#1528286101

ID: 88081664

HD
216
.C573
nos.
1500-1549

BLM Library
Denver Federal Center
Bldg. 85, OC-521
P.O. Box 25047
Denver, CO 80225

171348

Office Copy

Still in effect 5/28/54 RB.

273.74(a) amended by circ 1803.

CIRCULAR NO. 1500

ISSUANCE OF PATENTS FOR LANDS SOLD TO INNOCENT PURCHASERS FOR VALUE BY CERTAIN RAILROAD CARRIERS.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Sec. 273.68 Statutory authority. Subsection (b) of Section 321, Part II, Title III, of the Transportation Act of 1940, approved on September 18, 1940 (54 Stat. 954), authorizes the issuance of patents for the benefit of certain innocent purchasers for value of land grant lands from railroad carriers which have released their land grant claims.

Sec. 273.69 Lands for which applications may be made. Subsection (b) of Section 321, Part II, Title III, of the Transportation Act of 1940 provides that in the case of a railroad carrier, or a predecessor, which received a land grant to aid in the construction of any part of its railroad, the laws relating to compensation for certain Government transportation services shall continue to apply as though subsection (a) of Section 321 had not been enacted unless the carrier shall file on or before September 18, 1941, with the Secretary of the Interior, in the form and manner prescribed by him, a release of any claim it may have to lands, interests in lands, compensation, or reimbursement on account of lands or interests in lands so granted, claimed to have been granted or claimed should have been granted. Section 321 provides further that nothing therein shall be construed as preventing the issuance of patents confirming the title to such uncertified or unpatented lands

as the Secretary of the Interior shall find have been sold prior to September 18, 1940, to innocent purchasers for value. Subsection (b) of Section 321 authorizing the issuance of such patents is not an enlargement of the grants, and does not extend them to lands not already covered thereby and, therefore, has no application to lands which for various reasons, such as mineral character, prior grants, withdrawals, reservations, or appropriation, were not subject to the grants. It does apply, however, to lands selected under remedial or lieu acts supplemental to the original grants as well as to primary and indemnity lands. Classification under Section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. Sup. 315 f), will not be required where the sold land is such as the company was authorized by law to select.

Sec. 273.70 Applications. Application, and supporting evidence, must be filed by the carrier in the proper District Land Office, accompanied by the fees and commissions required in connection with railroad-grant listings and selections. The application should state that it is filed under the railroad land grant act involved, properly cited, and subsection (b) of Section 321, Part II, Title III of the Transportation Act of 1940, approved September 18, 1940 (54 Stat. 954). The application must be supported by a showing that the land is of the character which would pass under the grant involved, and was not by some superior or prior claim, withdrawal, reservation, or other reason, excluded from the operation of the grant. Full details of the alleged sale must be furnished, such as dates, the terms thereof, the estate involved, consideration, parties, amounts and dates of payments made, and amounts due, if any, description of the land, and transfers of title. The use, occupancy and cultivation of the land and the improvements placed thereon

by the alleged purchaser should be described. All statements should be in affidavit form, duly corroborated. Available documentary evidence, including the contract or deed, should be filed, which may be authenticated copies of the originals. An abstract of title may be necessary, dependent upon the circumstances of the particular case. No application for a patent under this act will be favorably considered unless it be shown that the alleged purchaser is entitled forthwith to the estate and interest transferred by such patent. Evidence of a recorded deed of conveyance from the carrier to the purchaser may be required. Where the company has on file an application in which the sold land is embraced, it need not file a new application, but may file a request for amendment of the pending application to come under the Transportation Act of 1940, together with the showing, supra, required as to the bona fide sale.

Sec. 273.71 Action by registers. The Registers, after assigning serial numbers to the applications and making notations thereof on their records, will forward all such applications, and the supporting evidence, to the General Land Office, with their current returns, making a brief statement in each case concerning the status of the land according to their records.

Sec. 273.72 Publication of notice. The Commissioner of the General Land Office will authorize the Register to direct the publication of notice of the application. The notice will be published at the carrier's expense in a newspaper of general circulation in the vicinity of the land. If a daily newspaper be designated, the notice should be published in the Wednesday issue for five consecutive weeks; if weekly, for five consecutive issues; and if semi-weekly, in either issue for five consecutive weeks. The carrier must furnish evidence of such publication in due course. The Register will

keep the notice posted in his office during the entire period of the publication. Notice need not be published, in case of amendment of a pending application, where publication has already been had.

Sec. 273.73 Surveying and conveyance fees. The carrier must pay the cost of the survey of the land, paying also one-half the cost of any segregation survey in accordance with the laws and regulations pertaining to the survey and patenting of railroad lands. See 43 U. S. C. 881 et seq.; also 43 CFR 216.15 and 273.60.

~~Sec. 273.74 Patents. If all be found regular and in conformity with the governing law and regulations, the Commissioner of the General Land Office will cause a patent to be issued in the name of the grantee under the railroad grant, the carrier paying the customary fees for the writing and issuance of a patent pursuant to a railroad land grant. Before any patent is issued, however, a clear list embracing the lands will be submitted to the Secretary of the Interior.~~

Am
Circ
1803

A final decision by the Commissioner of the General Land Office denying such an application for a patent will be subject to a right of appeal in accordance with the Rules of Practice.

(Sgd) Fred W. Johnson,
Commissioner.

Approved: December 10, 1941.

(Sgd) Oscar L. Chapman,
Assistant Secretary.

These regulations are issued under the authority contained in R. S. 453, 2478; 43 U. S. C. 2, 1201.

172227

Circular No. 1501

REGULATIONS FOR THE SALE OF LOTS IN FORD AND FIRST ADDITION TO FORD TOWNSITES, CALIFORNIA

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1. Statutory Authority. The unreserved and undisposed of lots in the original Ford and First Addition to Ford Townsites, California, will be disposed of under Section 2381, Revised Statutes. The plat of survey of Ford Townsite was accepted April 3, 1924 and that of the First Addition to Ford was accepted May 15, 1926.

2. Area and price. The area and minimum price of the lots which will be offered for sale are as follows:

Original Ford Town Site

Block	Lot	Area in Square Feet	Reappraisal
16	11	7,000	$325.00

First Addition to Ford

Block	Lot	Area in Square Feet	Reappraisal
3	4	7,000	210.00
5	13	7,000	340.00
6	4	7,000	260.00
6	13	7,000	350.00
6	14	7,000	345.00
6	23	7,000	230.00
6	24	7,000	240.00
9	9	7,000	225.00
11	8	6,440	350.00
12	7	6,467	540.00
12	9	6,473	750.00
12	10	6,476	950.00
13	6	7,000	220.00
14	11	7,000	250.00
15	4	7,000	240.00
16	12	7,000	220.00
17	5	7,000	240.00
17	6	7,000	240.00
17	13	7,000	240.00
17	14	7,000	240.00
17	18	7,000	250.00
22	7	7,000	250.00

First Addition to Ford (Continued)

Block	Lot	Area in Square Feet	Reappraisal
23	6	7,000	$250.00
25	1	6,483	960.00
25	2	6,486	760.00
25	4	6,492	950.00

3. Public Sale. On Saturday, February 21, 1942, at 10 a. m., a sale at public auction to the highest bidder of the lots enumerated above will be held in front of the Jefferson School on block 15 of the original Ford Townsite. Notices of the sale will be posted for thirty days on each lot to be offered, in the District Land Office at Sacramento and in the post offices at Taft and Ford, California. The sale will be conducted from day to day under the supervision of the Commissioner of the General Land Office or his representative until all the lots shall be offered.

4. Terms of sale. No lot shall be sold for less than the appraised price. Full payment for the lots may be made in cash on the date of sale, or one-fourth of the purchase price in cash and the balance in not to exceed three annual installments with interest at 4 per cent per annum on the deferred payments. The deferred payments are to be made to the Register, District Land Office at Sacramento, California.

5. Authority of Superintendent. The Commissioner's representative conducting the sale is hereby authorized to reject any and all bids for any lots and after all lots have been offered, he will close the sale. If any person who has made partial payment on the lot purchased fails to make any succeeding payment, required under these regulations, at the date such payment becomes due, the money deposited by such person for such lot will be forfeited and the lot after forfeiture is declared will be subject to disposition. Lots remaining unsold at the close of the sale, or thereafter declared forfeited will be subject to private entry for cash at the District Land Office at Sacramento, California.

6. Reservations. By the terms of the Orders eliminating the lands embraced in these town sites from Naval Petroleum Reserve No. 2, all oil and gas deposits therein are retained in the Naval Reserve for the use and benefit of the Navy. Therefore, patent will be issued subject to the conditions and limitations of the act of July 17, 1914 (38 Stat. 509; 30 U. S. C. 121123).

7. Warning. All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any persons so offending will be prosecuted under Section 59 of the Criminal Code of the United States (U. S. C., title 18, sec. 113).

Fred W. Johnson,

Commissioner.

Approved: December 31, 1941.

Oscar L. Chapman,

Assistant Secretary.

21458

Circular No. 1502 —Obsolete - See Circ. 1785

REGULATIONS TO PERMIT MINING WITHIN THE ORGAN PIPE CACTUS NATIONAL MONUMENT IN ARIZONA

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

January 20, 1942

Sec. 185.33h Statutory authority. By the Act of Congress approved October 27, 1941 (Public Law 281 - 77th Congress), all mineral deposits of the classes and kinds then subject to location, entry and patent under the United States mining laws within the Organ Pipe Cactus National Monument in Arizona, were made, exclusive of the land containing them, subject to disposal under such laws, with right of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior.

185.33i Mining Locations. The lands within the Organ Pipe Cactus National Monument as established by Proclamation No. 2232 dated April 13, 1937 (50 Stat. 1827), are open to prospecting for the kinds of mineral subject to location under the United States mining laws and upon discovery of any such mineral, locations may be made in accordance with the provisions of the mining laws and regulations thereunder. Such locations duly made will carry all the rights and incidents of mining locations, except that they will give to the locator no title to the land within their boundaries, or claim thereto, except the right to occupy and use so much of the surface of the land as required for all purposes reasonably necessary to mine and remove the minerals.

185.33j Occupation and use of surface. Occupation and use of the surface of a mining claim is restricted by the Act to such as is reasonably incident to the exploration, development and extraction of the minerals in the claim. Accordingly, any locator or patentee of a mining claim located under this Act will be entitled to such right. Prospectors and miners shall at all times conform to any rules now prescribed or which may be made applicable by the Secretary of the Interior to this monument. Special attention is directed to those regulations prohibiting hunting, trapping, and the carrying of firearms within the boundaries of the monument.

21458

CROSS REFERENCE: For regulations of the Secretary of the Interior affecting this monument, see 36 CFR, Chapter 1, Part 2 (Federal Register, March 26, 1941, Vol. 6, pp. 1626-1634).

185.33k Termination of right to use of surface of mining claims. The right of occupation and use of the surface of the land embraced in the boundaries of a location, entry or patent pursuant to this Act will terminate when the minerals are mined out or the claim is abandoned.

185.33l Title to minerals only. Applications for patents and final certificates issued thereon for mining claims located under the Act should be noted "Organ Pipe Cactus National Monument Lands," and all patents issued for such claims will convey title to the minerals only, and contain appropriate reference to the Act and these regulations.

185.33m Destroying vegetation prohibited. The locator of a mining claim within the monument area shall refrain from destroying or disturbing vegetation within the boundaries of his claim except as is necessary for the proper development thereof for mining purposes.

185.33n Construction of trails and roads. Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining a permit from the Director of the National Park Service. Applications for such permits may be made through the officer in charge of the monument upon submitting a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee maintaining the road or trail in a passable condition, satisfactory to the officer in charge, so long as it is used by the permittee or his successors.

185.33o Lands containing certain features not subject to location. Lands containing springs, wells, water holes, other sources of water supply, monument headquarters, and recreation areas are not subject to location.

s/ FRED W. JOHNSON
Commissioner.

I concur:

NEWTON B. DRURY

Director, National Park Service.

Approved: JAN 20, 1942

OSCAR L. CHAPMAN

Assistant Secretary.

These regulations are issued under the authority contained in the Act of October 27, 1941 (Public Law 281 - 77th Congress).

Office Copy

Circular No. 1503

AMENDMENT OF THE REGULATIONS GOVERNING SMALL SALES OF TIMBER IN ALASKA, SO AS TO REQUIRE THE ISSUANCE OF PERMITS IN ADVANCE OF CUTTING OF TIMBER; OFFICERS IN CHARGE OF CUTTING

Not in effect 5/20/54 AB

See Circ. 1393 & 1815, 1847

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

In order to prevent the cutting of timber on public lands in Alaska under small sales applications, authorized by 43 CFR 79.15-79.33,* until permits authorizing such cutting have been issued, the regulations are hereby amended as stated below.

Section 79.20 is amended to read: "Upon receipt of an application for timber on land from which it may properly be cut, with the required deposit, the Register will give it a serial number and note a reference thereto on his tract book. He will acknowledge receipt of the application and advise the applicant that no timber may be cut until receipt of a permit from the officer in charge of timber cutting operations in Alaska. If the required deposit does not accompany the application, or the land is embraced in an entry or selection or is not of the character described in section 79.16, from which timber may be cut, he will suspend action on the application and call on the applicant to make the required payment, or to amend the application as the case may be.

"When the application is proper the Register will promptly forward it through the office of the General Land Office Coordinator for Alaska, to the officer or examiner, as the case may be, in charge of timber cutting in Alaska. The application will be accompanied with the statement indicating that the records of the District Land Office do not show any objection to the cutting of the timber applied for."

Section 79.21, subparagraph (c) is amended to read as follows: "After he has received from the officer in charge of timber cutting operations in Alaska a permit authorizing the cutting of the timber applied for."

Section 79.24 is amended by adding thereto the following: "Where conditions warrant the officer in charge will reject the application, stating his reasons for such action. The officer will insert in all permits issued by him such conditions and provisions respecting the cutting and removal of the timber as in his opinion are required by the public interests. Any person who is adversely affected by the action taken on his application may secure a review thereof by making request therefor to the Commissioner of the General Land Office. The officer in charge will make a report in triplicate showing all permits issued and all applications rejected, transmitting the original to the Commissioner of the General Land Office, the duplicate to the Register, and the triplicate to the General Land Office Coordinator for Alaska."

---

* Based on Circular No. 1393, June 20, 1936.

Supervision of Alaska timber sales hereafter will be had through such officers or examiners as may be designated by the Commissioner of the General Land Office. Accordingly the following changes in the regulations will be made:

In section 79.25, the words "officer or examiner, as the case may be," will be substituted for the word "agent."

In section 79.26, the words "officer or examiner, as the case may be," will be substituted for the words "special agent."

In section 79.27, paragraph one, the words "officer or examiner, as the case may be," will be substituted for the words "special agent", and paragraph two will be amended to read as follows: "The register will advise the officer in charge as to all moneys received in connection with applications to purchase timber giving the serial numbers of the cases and other necessary information. The moneys will be held as 'unearned' pending receipt of a report from such officer. The officer in charge will account to the register for all moneys received by him or by the examiners, and he will advise the register when moneys on deposit should be covered into the Treasury or returned."

Section 79.28 will be amended to read as follows: "After necessary action by the register and by the officer in charge, the application and related papers will be forwarded by the register to the General Land Office, through the General Land Office Coordinator for Alaska."

In section 79.31, the words "officer or examiner, as the case may be," will be substituted for the words "special agent."

Fred W. Johnson

Commissioner

Approved: March 7, 1942

Oscar L. Chapman

Assistant Secretary.

These regulations are issued under the authority contained in sec. 11, 30 Stat. 414; 48 U.S.C. 421.

RECEIVED
DISTRICT LAND OFFICE
BILLINGS, MONTANA
MAR 21 1942

180302

Circular No. 1594

Obsolete
See Circ. 1840

AMENDMENT OF OIL AND GAS LEASING REGULATIONS, AND FORMS OF LEASES, TO SECURE PROMPT FILING OF ASSIGNMENTS, AND LIMITATIONS OF OVERRIDING ROYALTIES.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Circular No. 1453, approved November 18, 1938, containing sections 192.42a to 192.42c, inclusive, of Title 43 of the Code of Federal Regulations, is hereby amended by adding the following:

> 192.42d. Assignment of oil and gas lease or interest therein. The lessee will be required to agree not to assign his lease, or any interest therein, whether by operating agreement, working or royalty interest, or otherwise, nor to sublet any portion of the leased premises, except with the consent in writing of the Secretary of the Interior. All assignments must be submitted in triplicate within ~~30~~ 90 days from the date of execution and must contain all of the terms and conditions agreed upon by the parties thereto. If the consideration expressed in the agreement fails to describe the true consideration, an accompanying affidavit must be submitted stating the consideration in full. The affidavit will be treated as confidential and not for public inspection. No assignment of any kind will be recognized as valid which, exclusive of the royalty payable to the United States, shall create overriding royalty interests in the lease aggregating in excess of five per cent. Furthermore, no assignments providing for other payments out of production which constitute a burden upon lease operations prejudicial to the interests of the United States will be approved.

See Circ 1589

Oil and gas lease forms amended. Subsections 2(p) of the standard lease form 4-208f (43 CFR 192.28; par. 13, Circ. 1386, May 7, 1936, 55 I.D., 508) and of the renewal lease form 4-973 (43 CFR 192.84; Circ. 1476, August 5, 1940) are hereby amended to read as follows:

> 2(p). Assignment of oil and gas lease or interest therein. Not to assign this lease, or any interest therein, whether by operating agreement, working or royalty interest, or otherwise, nor to sublet any portion of the leased premises, except with the consent in writing of the Secretary of the Interior. All assignments must be submitted in triplicate within ~~30~~ 90 days from the date of execution and must contain all of the terms and conditions agreed upon by the parties thereto. If the consideration expressed in the agreement fails to describe the true consideration, an accompanying affidavit must be submitted stating the consideration in full. The affidavit will be treated as confidential and not for public inspection. No assignment of any kind will be recognized as valid which, exclusive of they royalty payable to the United States, shall create overriding royalty interests in the lease aggregating in excess of five per cent. Furthermore, no assignments providing for other payments out of production which constitute a burden upon lease operations prejudicial to the interests of the United States will be approved.

cir. 1589

(Sgd) Fred W. Johnson,

Commissioner.

I concur: December 4, 1941.

(Sgd) W. C. Mendenhall,

Director, Geological Survey.

Approved: March 9, 1942.

(Sgd) Harold L. Ickes,

Secretary of the Interior.

These regulations are issued under the authority contained in Sec. 32, 41 Stat., 450; 30 U.S.C. 189.

Office Copy

180303

Circular No. 1505

REGULATIONS REQUIRING REDUCTION OF OVERRIDING ROYALTIES IN EXCESS OF FIVE PER CENT PRIOR TO ISSUANCE OF OIL AND GAS RENEWAL LEASES.

Obsolete
See Circ. 1840

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Circular No. 1476, approved August 5, 1940, containing sections 192.75 to 192.85, inclusive, of Title 43 of the Code of Federal Regulations, is hereby amended by adding thereto the following:

> 192.81a Overriding royalties. Oil and gas renewal leases will not be issued unless overriding royalties are reduced to not more than five per cent by agreement between the interested parties. An affidavit must be furnished by the applicant for the renewal lease showing that there will be no overriding royalties in excess of five per cent outstanding under the lease, if issued, and that no other payments will be made out of production which constitute a burden upon lease operations prejudicial to the interests of the United States. If other payments are to be made out of production, a full showing relative thereto must be furnished.

Revoked by
Circ 1573

(Sgd) Fred W. Johnson,

Commissioner.

I concur:

(Sgd) W. C. Mendenhall,

Director, Geological Survey.

Approved: March 9, 1942.

(Sgd) Harold L. Ickes,

Secretary of the Interior.

These regulations are issued under the authority contained in Sec. 32, 41 Stat. 450; 30 U.S.C. 189.

181546

Circular No. 1506

FIVE-ACRE TRACT APPLICATIONS TO BE FILED IN DUPLICATE.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

The regulations governing the lease or sale of tracts, not exceeding five acres, for home, cabin, camp, health, convalescent, recreational, or business sites, issued under the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), and contained in 43 CFR 257.1-257.25 (Circ. 1470, June 10, 1940), are hereby amended as follows:

Sec. 257.4. The second sentence is amended to read: "All applications must be prepared with an original and one copy."

Sec. 257.6. The word "copies" in the last sentence is changed to "copy."

Sec. 257.7. The word "copies" in the second sentence is changed to "copy."

The note at the top of Form 4-775, "Application Under Five-Acre Law," is amended to read: "(All applications must be prepared with an original and one copy. See footnote, paragraph 1.)"

Footnote, paragraph 1. The words "three copies" in the first sentence are changed to "one copy."

Fred W. Johnson
Fred W. Johnson,
Commissioner.

Approved: March 25, 1942.

W C Mendenhall
Acting Assistant Secretary.

This regulation is issued under authority of 52 Stat. 609; 43 U.S.C. 682a.

INDEX NO. 419

185032

Void [illegible]
Affect [illegible]

Circular No. 1507

PRELIMINARY NEGOTIATIONS IN PROPOSED EXCHANGES WITH THE STATE OF NEW MEXICO TO ACQUIRE LANDS IN NATIONAL FORESTS.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Circular 1295, dated April 1, 1933, containing regulations governing exchanges under the act of June 15, 1926 (44 Stat. 746) amending Section 10 of the act of June 20, 1910 (36 Stat. 557, 563), was incorporated in the Code of Federal Regulations as Sections 148.20 to 148.33, inclusive. These regulations are hereby amended by adding to Section 148.21 the following:

> In cases where the lands desired to be selected by the State are within the boundaries of a grazing district established under the provisions of the act of June 28, 1934, as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315), the preliminary negotiations relating to a proposed exchange are to be conducted with the local representatives of the Grazing Service as well as with the representatives of the Forest Service, and the State must file with the regional grazier of the district in which the lands desired are situated, an informal application describing the lands to be selected and those to be offered by the State in exchange therefor. When the lands to be selected are outside of grazing districts, the State should file in the General Land Office an informal application describing the lands to be selected and those to be conveyed by the State in exchange.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: April 8, 1941.

(Sgd) E. K. Burlew,

First Assistant Secretary of the Interior.

March 11, 1942

(Sgd) Grover B. Hill,

Assistant Secretary of Agriculture.

These regulations are issued under the authority contained in R. S. 453, 2478; 43 U.S.C. 2, 1201.

186489

Circular No. 1508

GRAZING LEASE FORM AMENDED

Amended by Cir. 1569

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Paragraph (k) of the grazing lease, Form 4-722, 43 CFR 160.30 as amended by Circular 1471 of June 7, 1940, is hereby further amended to read as follows:

> (k) That the leased lands shall be subject to entry for hunting and fishing by any person under applicable State or Federal hunting and fishing laws and regulations, but in any event the Commissioner may prohibit or restrict or he may authorize the lessee to prohibit or restrict hunting or fishing on such parts of the leasehold and for such periods as he may determine to be necessary in order to prevent any substantial interference with the purpose for which the lands are leased, that is, grazing.

This amendment will not affect any outstanding grazing leases but will be made a part of all new leases and all leases hereafter renewed.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: April 28, 1942

(Sgd) Harold L. Ickes,

Secretary of the Interior.

Office Copy

188292

Circular No. 1509 — Obsolete - See directors memo of 2/16/49.

REGULATIONS GOVERNING THE REOPENING TO LEASE FILING OF LANDS IN CANCELED OIL AND GAS LEASES

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Sec. 192.14b. Drawings to be held where simultaneous applications are filed to lease lands embraced in canceled leases. Hereafter in all cases where cancelations are made of leases involving lands not within a known geologic structure of a producing oil or gas field, the Registers of the district land offices will note the cancelation on the tract book as of a future fixed date, ten days after such notation, Sundays and holidays excluded, the cancelation to be effective at 9 o'clock a.m. on the day thus fixed.

No notice to the public of the opening of the lands for lease will be required except that the Register will post notice thereof in a conspicuous place in the district land office during the period between the posting and effective dates of cancelation. The notice will include a description of the land involved.

Applications to lease the lands which are filed in the district land office by mail or otherwise within the period between the date of notation and the effective date of cancelation, and applications filed over the counter by persons who are present in the district land office at 9 o'clock a.m. on the effective day of cancelation, where they conflict in whole or in part, will be considered as filed simultaneously; and the right of priority of filing will be determined by a public drawing following the procedure prescribed in paragraph 4 of Circular No. 324, dated May 22, 1914, 43 L.D. 254 (Sec. 295.8), except as hereinafter otherwise provided.

If on the effective date of cancelation of a lease two or more conflicting applications to lease the lands have been received, accompanied by proper filing fees, the Register will require each applicant to deposit in his office a drawing fee of $10, which constitutes a charge for participating in the drawing, and to furnish a statement under oath that the application is filed in good faith for his or its own benefit and not directly or indirectly in whole or in part in behalf of any other person, association, or corporation. Notice of these requirements will be sent to each applicant at the address given in the application by registered mail. Envelopes in which the notices are mailed should bear notation requesting the return of undelivered letters after being held in the post office for a period of

Circular No. 1512

REGULATIONS FOR THE OPENING OF TOWN LOTS IN THE TOWN SITE OF EAST MOUNTAIN CITY, NEVADA, TO PREEMPTION ENTRY

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1. Statutory Authority. The lots in the town site of East Mountain City, Nevada, will be disposed of under sections 2382 to 2386, Revised Statutes. The town site plat was approved June 5, 1941.

2. Price. The minimum price for all lots of 4,200 square feet or less is $10 per lot, and for all lots in excess of 4,200 square feet will be computed by adding to the minimum price of $10 the sum of $4 for each additional 1,000 square feet or fractional part thereof in excess of 4,200 square feet.

3. Preemption Claims. Any person who has established settlement on any lot prior to April 25, 1939, the date of the commencement of the survey in the field, and maintained such settlement to the date of proof, is entitled to make a preemption entry for such lot and one other lot on which he has made substantial and permanent improvements at the minimum price. A preemption claim is not necessarily forfeited by the settler transferring his interest to another, subsequently to accrual of the right, but patent, if issued, will be in the name of the settler and not the transferee.

The notice of intention to make preemption proof should be made on Form 4-348 and should give the date of settlement and the value and character of the improvements, and in order that all bona fide preemption rights may be determined prior to the date of public sale, claimants should file their notices of intention to submit proof on or before September 10, 1942.

On the filing of the notice of intention by the applicant the Register will issue notice for publication, which the applicant must have published at his expense in four consecutive issues prior to the date set for the proof in the "Independent", a weekly newspaper published on Friday at Elko, Nevada. Proof, consisting of the affidavit of the applicant and of at least two of the advertising witnesses, may be made before the Register of the District Land Office at Carson City, Nevada, or before any other officer authorized to take proofs under the homestead laws, and must show the claimant's age, citizenship, and facts regarding the extent of his residence on one lot and the nature and value of the improvements on the second lot and the dates each of the improvements were placed thereon in cases where **two lots** are included in an application. Proof of publication must be shown by the affidavit of the publisher. The purchase price of the lot or lots must be paid to the Register when the proof is made.

4. Citizenship. Each purchaser of a lot must furnish evidence that he is a native born or naturalized citizen of the United States. If he is a naturalized citizen, satisfactory evidence thereof must be submitted. This may consist of the original certificate of naturalization, which will be promptly returned to the applicant after examination by the General Land Office. In lieu thereof, claimant may show the facts as to his citizenship status, which should include a statement as to the date of his naturalization, the title and location of the court in which the proceedings were instituted, and when available, the number of the document in question, if the proceedings were instituted since September 26, 1906. In cases of naturalization prior to September 27, 1906, there should also be given the date and place of the applicant's birth, and the foreign country of which he was a citizen or subject. If the claimant is a married woman the facts establishing her citizenship and that of her husband must be shown in accordance with Circular No. 1248, April 18, 1931 (53 I.D. 374; 43 CFR 137.3, 137.4).

Fred W. Johnson,

Commissioner.

Approved: July 7, 1942.

Oscar L. Chapman,

Assistant Secretary.

Office Copy

Obsolete
Revoked - See Circ 1797

Circular No. 1513

PROPOSALS FOR EXCHANGES, IN ADVANCE OF THE FILING OF FORMAL APPLICATIONS

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 16, 1942.

PART 145 - GENERAL REGULATIONS GOVERNING EXCHANGES

Sec. 145.1 Purpose. The purpose of sections 145.2 to 145.5, inclusive, is to outline procedure under which the State, private owners, a field representative of the General Land Office, and a field representative of the Grazing Service, in connection with proposed exchanges of lands in grazing districts may confer, in advance of the filing of formal applications, and if possible, reach a common understanding or agreement as to the feasibility of the exchanges, the values of the offered and selected lands and the mineral and other features involved. The procedure while designed to expedite action on applications is not mandatory. It will not prevent the filing of formal applications, without informal proposals, if desired.

145.2 Procedure. A proposal for an exchange must be prepared in duplicate. The original must be filed in the land office for the district in which the selected lands are situated and the duplicate with the proper regional grazier.

The register will forward the original proposal to the proper regional field examiner and advise the General Land Office of such action. The regional grazier, upon receipt of the duplicate proposal, will call a meeting of the interested parties for the purpose of discussing the questions presented. The time and place for the meeting should be acceptable to all persons concerned.

145.3 Memorandum for the Record. After the discussions have been concluded, the representative of the Grazing Service and the representative of the General Land Office will each prepare, in duplicate, a "Memorandum for the Record," stating briefly the facts as to the discussions, and the conclusions reached. The original of each memorandum will be forwarded to the Commissioner of the General Land Office and the duplicate to the Director of Grazing.

145.4 Results of discussions. The conclusions reached as a result of the discussions will be advisory only and will not be binding upon the Commissioner of the General Land Office, the Director of Grazing, or the Secretary of the Interior.

(over)

145.5 Formal application. After a proposal for an exchange has been considered, the State or the owner of the private land, if an exchange is desired, must file in the proper district land office a formal application for exchange, in accordance with the applicable regulations. The failure to reach an agreement on an informal proposal will not bar the applicant from submitting a formal application for appropriate action. The formal application, in all cases, should recite briefly the conclusions reached on the informal proposal. Action on the formal application will be taken in accordance with the applicable laws and regulations.

(Sgd) Joel David Wolfsohn,

Acting Commissioner.

Approved: July 16, 1942.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

These regulations are issued under the authority contained in R.S. 453, 2478; 43 U.S.C. 2, 1201.

Circular No. 1514 - Obsolete - See Director's memo. 2/16/49.

REGULATIONS GOVERNING CONTRACTS FOR THE CUTTING AND REMOVAL OF YUCCA FROM THE PUBLIC LANDS

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 28, 1942.

PART 259--SPECIAL CONTRACTS

Sec. 259.1. Authority. Executive Order 9180 of June 5, 1942, issued to facilitate the prosecution of the war, authorizes the Secretary of the Interior

> "to enter into contracts, through the Commissioner of the General Land Office, for the disposal of yucca growing on the public domain, under such terms and conditions as he may deem proper whenever he finds that the materials or products to be made from such yucca are substitutes, in whole or in part, for any material which has been or hereafter may be designated as strategic or critical, or both, or is otherwise essential to the prosecution of the war."

259.2. Policy. In keeping with the Department's policy of making resources available for their highest use in facilitating the prosecution of the war, while at the same time giving every attention to the principles of conservation, it is the purpose of sections 259.1-259.12 to provide for the cutting of yucca on the public lands for use as fiber and other products needed particularly as substitutes for products which cannot be imported from the usual sources and other products of the class designated in the Executive order. Further in keeping with this policy of wise use and avoidance of waste of natural resources, the harvesting and removal of yucca from the public lands shall be carried on in such a manner that it does not initiate or increase soil erosion, fire hazards, unnecessary reduction in the usefulness of the land for other purposes or unnecessary damage to other useful resources. No cutting of yucca will be permitted which unnecessarily impairs scenic values or recreational uses. The harvesting shall be done on a sustained yield basis, thereby assuring a permanent supply, unless otherwise authorized in order to promote the maximum utilization of the lands and the resources thereof. When desirable to cut yucca in grazing areas, or in conjunction with the harvesting or removal of other products for raw material purposes, due regard shall be given to attaining the highest multiple use.

259.3. Lands Subject to Yucca Contracts. The authority granted by the Executive order extends to all public lands, including such lands withdrawn by Executive Orders Nos. 6910 and 6964 of November 26, 1934, and February 5, 1935, public lands in grazing districts, and public lands withdrawn or reserved for special administration, where the cutting of the yucca is found not to be inconsistent with the purpose for which the lands were reserved.

Where application is made for lands administered by the Grazing Service or other agency, the application will be referred to such agency for consideration and no contract will be entered into without its concurrence. Yucca contracts for such lands will contain special provisions and stipulations as the agency involved may suggest.

259.4. Form of Contract; Procedure. Each yucca contract will contain the provisions of the attached form, which is made a part of this section. The contract will be made for such term as is requested by the applicant, not exceeding 5 years, or for a period extending until 6 months after the national emergency has been officially declared to be terminated, whichever expires sooner.

A yucca contract will not prevent the subsequent filing of applications or the initiation of rights to the lands under the public-land laws by others or prevent anyone having the right to graze livestock on the lands from using so much of the yucca as may be necessary for forage or fodder for livestock. Subsequent to the date of the contract, any of the lands which the Commissioner of the General Land Office may find are needed for a higher use inconsistent with the cutting of yucca from the lands may be excluded from the contract after 30 days written notice.

A contract may be renewed on its expiration, prior to the official termination of the national emergency, in the discretion of the Commissioner of the General Land Office, subject to the rules and regulations then in force and to such provisions and conditions as the Commissioner may prescribe.

All actions of the Commissioner will be subject to review or appeal, in accordance with the Rules of Practice (43 CFR, Part 221).

259.5. Application. An application to cut yucca must be submitted in affidavit form, in triplicate, and should be filed in the land office for the district in which the lands containing the yucca are situated. The application should show:

(a) The name and address of applicant.

(b) The facts as to the age and citizenship of the applicant, if an individual, or as to its incorporation and the citizenship of each stockholder, if a corporation. A corporation will be required to furnish a certified copy of its articles of incorporation, together with a copy attested by the proper official of the minutes of the meeting authorizing the filing of the application.

(c) The period for which the contract is desired.

(d) A description of the land desired. The land, if surveyed, should be described with reference to the public land surveys. If unsurveyed, it should be described in such a manner that it may be identified with certainty.

(e) The species, quantity and parts of the yucca plant desired, the species and estimated quantity of each on the land covered by the application, and the product or products for which the yucca is to be used.

(f) The proposed method of cutting and its effect upon the yucca plants, also the proposed method of collection of the yucca and of the disposal of the waste.

(g) Whether the applicant has theretofore cut yucca or has a contract or right to cut it from any lands. If so, the application should show the location and ownership of the lands, the date of the contract and the period for which the right was given, the species and quantities involved, and the amounts paid or the contract prices.

(h) Whether the yucca is desired to supply an existing or a proposed processing plant. If to supply an existing plant, the application should show the location, ownership and capacity of the plant to use yucca. If to supply a proposed plant, in addition to the foregoing information, the application should state the manner in which capital to finance the project will be secured and the approximate amount of capital which will be required.

(i) Whether the application is made for the exclusive use and benefit of the applicant.

(j) Whether any of the lands are occupied or improved. If so, the application should describe such lands and give the name and address of each occupant.

(k) When the lands were last examined by the applicant.

259.6. Citizenship. Each purchaser of yucca must be a citizen of the United States, or one who has declared his intention to become a citizen, or a corporation owned by such citizens organized under the laws of the United States or of a State or Territory thereof, and authorized to transact business in the State or States in which the lands involved are situated.

259.7. Fee. Each applicant must pay a fee of $5.00, if the application is for 1,000 acres or less, and an additional $5.00 for each 1,000 acres or fraction thereof. The fee will be carried as unearned pending action on the application. If the application is rejected, the fee will be returned. If a lease based on the application is offered to the applicant, and refused, the fee will be retained and earned as a service charge.

259.8. Charges. A contract charge of 5 cents per acre per year payable in advance will be made for the privilege of cutting the yucca. Payment also will be required for all yucca cut at the rate to be specified in the contract. The Commissioner of the General Land Office will determine the just and proper rate. All yucca cut during each 6 months' period of the contract must be paid for within 30 days after the expiration of such period. The Commissioner, in his discretion, may include in any contract a provision that there shall be set off against the amount due for the yucca cut, any part of the advance acreage payments made during the preceding 3 years under that contract, or any extension thereof, for which credit has not previously been given.

All payments must be made to the Register of the land office for the district in which the lands are situated, who will deposit and account for the moneys as miscellaneous receipts, rent of land.

259.9. Execution of Contract; Bond and Advance Payment. Upon the approval of an application, a proposed contract will be prepared and forwarded to the register for transmittal by him to the applicant. The contract must be executed by the applicant in quadruplicate and returned by him to the register. The applicant must furnish with the proposed contract, when returned, a corporate surety bond in an amount to be determined by the Commissioner of the General Land Office, but not less than $1,000, conditioned upon performance by the applicant of all the terms of the contract. The applicant must submit with the proposed contract payment of the acreage charge for the first year of the contract.

259.10. Use of Land. A yucca contract will not entitle the purchaser to any right or interest in the lands described therein other than for the purpose of searching for, cutting and removing yucca. It will not give the purchaser the right to construct improvements of any kind upon the premises and will not prevent the use of the land by the United States, or under its authority, for any purpose not inconsistent with the rights granted by the contract.

259.11. Assignment of Contract. A purchaser may not assign his contract or any interest therein without the approval of the Commissioner of the General Land Office. A proposed assignment must be executed in triplicate and forwarded, within 30 days from the date of its execution, to the register of the proper district land office, for transmittal to the Commissioner, and it must be supported by a statement signed by the assignee agreeing to be bound by the provisions of the contract if the assignment is approved, and a showing that the assignee possesses the qualifications required of a purchaser.

259.12. Cancelation of Contract. A contract may be canceled by the Commissioner of the General Land Office if the purchaser shall fail to make any payment required thereunder or shall fail to comply with any provisions thereof and such default shall continue for 30 days after written notice thereof to the purchaser.

Fred W. Johnson,

Commissioner.

Approved: July 28, 1942.

Harold L. Ickes,

Secretary of the Interior.

These regulations are issued under the authority contained in R. S. 453, 2478: 43 U.S.C. 2, 1201.

To be executed in
quadruplicate

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

YUCCA CONTRACT

THIS CONTRACT made this day of , 19 , between the UNITED STATES OF AMERICA, acting in this behalf by the , and , of , hereinafter called the purchaser, under authority of Executive Order No. 9180 of June 5, 1942.

WITNESSETH, That the parties hereto for the considerations hereinafter expressed covenant and agree as follows:

Sec. 1. Rights granted. The purchaser shall have the right, for the period of this contract, to search for, cut and remove the species of yucca designated below from the following-described lands:

Sec. 2. Term of Contract. This contract is made for a term of years, or for a period extending until 6 months after the national emergency has been officially declared to be terminated, whichever expires sooner. It may be renewed on its expiration prior to the official termination of the national emergency, in the discretion of the Commissioner of the General Land Office, subject to such provisions and conditions as the Commissioner may prescribe.

Sec. 3. Special Rules. The following rules will be observed in the cutting:

Sec. 4. In consideration of the rights and privileges granted by this contract, the purchaser agrees:

(a) Charges. To pay the United States each year in advance a charge of 5 cents per acre for the privilege of cutting yucca from the lands covered by this contract and to make payment to the United States for all such yucca at the following rate:

All yucca cut during each 6 months' period of the contract must be paid for within 30 days after the expiration of such period.

(b) Regulations. To abide by and conform to any and all reasonable regulations of the Secretary of the Interior now or hereafter in force relating to the cutting and removal of yucca from the public lands, all of which regulations are made a part and condition of this contract, provided that such future regulations shall not effect any change in the annual acreage charge, or in the charge for the yucca provided for herein, without the consent of the parties hereto.

(c) Monthly Statements. To furnish monthly statements at such time and in such form as may be required by the Commissioner of the General Land Office, showing the facts as to the yucca cutting operations both from the lands covered by this contract and from lands adjacent thereto, if the purchaser has the right to cut and remove yucca from such adjacent lands.

(d) Inspection of Records. To keep open at all reasonable times for inspection by any duly authorized officer of the Department of the Interior all books, accounts and other records pertaining to the yucca cutting operations, both from the lands covered by this contract and from lands adjacent thereto, if the purchaser has the right to cut and remove yucca from such adjacent lands.

(e) Assignments. Not to assign this contract or any interest therein without the consent of the Commissioner of the General Land Office; that any such assignment, if made, will contain all the terms and conditions agreed upon by the partie thereto; and that the proposed assignment will be forwarded, in triplicate, within 30 days from the date of its execution to the register of the proper district land office for transmittal to the Commissioner.

(f) Labor Policy. To accord all workmen and employees complete freedom of collective bargaining and of purchase, to pay them at least twice each month in lawful money of the United States, and to carry on all operations hereunder with due regard to their health and safety.

Sec. 5. Use of Land. This contract will not entitle the purchaser to any right or interest in the land described herein other than for the purpose of searching for, cutting and removing yucca. It will not give the purchaser the right to construct improvements of any kind upon the premises and will not prevent the use of the land by the United States, or under its authority, for any purpose not inconsistent with the rights herein granted. The right is hereby reserved to cut and remove from the land as much yucca as may be necessary for the purposes of research, experimentation or other investigation conducted by the United States, or under its authority.

Sec. 6. Cancelation of Contract. This contract may be canceled by the Commissioner of the General Land Office if the purchaser shall fail to make any payment required thereunder, or shall fail to comply with any provisions thereof, and such default shall continue for 30 days after service of written notice thereof on the purchaser.

Sec. 7. Termination of Contract. The purchaser, with the consent of the Commissioner of the General Land Office first had and obtained in writing, may surrender and terminate this contract upon payment of all charges due hereunder, upon payment of all wages and moneys due and payable to workmen employed by him, and upon a satisfactory showing to the Commissioner that the public interests will not be impaired.

Sec. 8. Unlawful Interest. No Member of, or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and no officer, agent or employee of the Department of the Interior, shall be admitted to any share or part in this contract, or derive any benefit that may arise therefrom. The provisions of section 3741 of the Revised Statutes and sections 114, 115, and 116 of the Criminal Code, approved March 4, 1909 (35 Stat. 1109), relating to contracts, enter into and form a part hereof, so far as the same may be applicable.

Sec. 9. Heirs and Successors in Interest. Each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

IN WITNESS WHEREOF:

THE UNITED STATES OF AMERICA.

By ______________________

____

Witnesses to signature of purchaser:

____

______________________ ______________________

Purchaser.

____

Circular No. 1515 - Obsolete - See directors memo. 2/16/49.

REGULATIONS GOVERNING OIL AND GAS EXCHANGE LEASES UNDER SECTION 2(a) OF THE ACT OF AUGUST 21, 1935 (49 STAT. 674)

(Superseding Section 192.29 of Title 43 of the Code of Federal Regulations)

See Circ. 1840

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

EXCHANGE OF CERTAIN OUTSTANDING OIL AND GAS LEASES FOR NEW LEASES

192.86 Statutory authority. Section 2(a) of the Act of August 21, 1935 (49 Stat. 679; 30 U.S.C. 223a) provides for the issuance of new leases to lessees holding oil or gas leases under any of the provisions of the Act at the time the Act becomes effective, such new leases to be in lieu of the leases then held by such lessees and to be at a royalty rate of not less than 12½ percent in amount or value of the production, and upon such terms and conditions as the Secretary of the Interior shall by general rule prescribe, provided that no limitation of acreage not provided for under the law or regulations under which the old lease was issued shall be applicable to the new lease.

192.87 Overriding royalties. Oil and gas exchange leases will not be issued unless overriding royalties are reduced to not more than 5 percent by agreement between the interested parties. An affidavit must be furnished by the applicant for the exchange lease showing that there will be no overriding royalties in excess of 5 per cent outstanding under the lease, if issued, and that no other payments will be made out of production which constitute a burden upon lease operations prejudicial to the interests of the United States. If other payments are to be made out of production, a full showing relative thereto must be furnished.

192.88 Lands in the vicinity of Naval Petroleum Reserves. No section 2 (a) exchange lease will be issued for lands within the known geologic structure of an oil and gas field comprising in whole or in part a naval petroleum reserve, or for lands within one mile of such a reserve where the limits of the structure cannot be reasonably determined, unless the applicant consents to the amendment of the drilling requirements under section 2 (c) of the lease form (4-208f) to read as follows:

> "Wells. That, since the leased lands are adjacent to or near Naval Petroleum Reserve No. __, no additional wells shall be drilled nor shall any existing wells be deepened on the lands covered hereby; provided, however, that additional wells necessary to protect the leased lands from drainage by wells drilled on adjoining lands not owned by the United States or on lands of the United States leased to others may be drilled upon the approval of the Secretary of the Interior. Should producing operations be suspended in the interest of conservation or for any other reason on adjoining lands the lessee further agrees upon the request of the Secretary of the Interior to suspend production on the leased lands for the period production is suspended on the adjoining lands aforesaid, with the understanding that the term of the lease shall be extended by adding any such suspension period thereto,"

and these restrictions shall not be waived or modified by the Secretary of the Interior without first affording the Navy Department an opportunity to express its views relative thereto.

192.89 Application for exchange. The application for exchange lease should be filed in triplicate with the register of the land office for the district in which the leased lands are located or, if in a state in which there is no district land office, with the General Land Office. Such application should be made by the record title holder, or holders, of the lease and be joined in or consented to by the operator of record. It should be stated in the application that all moneys due the United States have been paid and that operations under the lease have been conducted in accordance with the regulations of the Department and that outstanding overriding royalty interests under the lease do not exceed 5 per cent, exclusive of the royalty payable to the United States, and must be accompanied by the affidavit required under sec. 192.87. The register will forward one copy of the application to the supervisor of oil and gas operations, Geological Survey, for the district in which the lands are located.

192.90 Report by Geological Survey. Upon receipt of the application for exchange the oil and gas supervisor will report to the Director of the Geological Survey as to the number and status of the wells drilled on the leasehold; the current rate of production if any; whether the lessee has made full compliance with the operating regulations of the Geological Survey and if not the respects in which the lessee has failed to make compliance; whether present or prospective operation of existing wells on the lease premises, if adjacent to or near a naval petroleum reserve, will result in drainage of the oil or gas deposits in the reserve; and whether the effect of such exchange would be to reduce the current royalty values more than 20 percent. Thereupon the Director of the Geological Survey will transmit a report to the Commissioner of the General Land Office with such recommendation as the facts may warrant.

192.91 Action in General Land Office. The Commissioner of the General Land Office shall consider the application and report submitted by the Director of the Geological Survey.

(a) If no objection to the exchange of the lease appears to the Commissioner of the General Land Office, copies of an exchange lease in triplicate will be forwarded to the lessee through the Register for execution and return together with a satisfactory lease bond. The Commissioner of the General Land Office shall then make recommendation to the Secretary of the Interior and if the lease is executed by the Secretary, one copy thereof will be delivered to the lessee.

(b) If the effect of the exchange would be to reduce the current royalty values more than 20 percent, the Commissioner will prepare a letter to the Secretary of the Interior calling attention to this feature, with a complete showing of all other facts which might be of importance in determining whether an approval of the exchange would be to the advantage of the United States, and recommending authorization of the exchange lease, if such a recommendation is deemed warranted by the Commissioner. In this case bond and lease forms will not be prepared for transmittal to the lessee through the Register until such authorization is received from the Secretary of the Interior. Upon such authorization, copies of an exchange lease in triplicate will be forwarded to the lessee through the register for execution and return together with a satisfactory lease bond. Upon receipt of the lease forms and bond properly executed by the lessee, they will be submitted to the Secretary of the Interior, and if executed by him, one copy thereof will be delivered to the lessee.

192.92. Bond. The applicant shall furnish and maintain a corporate surety lease bond of not less than $5,000.

192.93 Rental. Under the exchange lease the lessee shall pay an annual rental of $1.00 per acre where all or a part of the leased leands are situated within the limits of a geologic structure of a producing oil or gas field as theretofore or thereafter defined by the Geological Survey, the rental for any one year to be credited against the royalty accruing for that year, provided (a) that such rental may be reduced in the discretion of the Secretary of the Interior to a minimum of not less than 25 cents per acre where a satisfactory showing is made that the lease cannot be operated at the higher rental herein prescribed, and (b) that prior to a valuable discovery of oil or gas within the limits of the geologic structure upon which all or a part of the leased lands are situated, the rental shall be 25 cents per acre.

192.94 Exchange lease. The exchange lease will be executed on form 4-208f, bear current date, and will run for a period of 10 years and so long thereafter as oil and gas are produced in paying quantities. Two or more outstanding leases may be combined into a single lease where held in common ownership and the lands are sufficiently compact to justify their inclusion in one lease. Except as otherwise provided in sections 192.86-192.93 the form of exchange lease contains substantially the same terms and conditions as the form of oil and gas lease prescribed for leases granted under the amendatory act of August 21, 1935, contained in section 192.28.

192.95 Applicability. Sections 192.86-192.94 shall be effective as to all applications heretofore or hereafter filed for the exchange of leases, and supersede the general instructions contained in section 192.29.

(Sgd) Fred W. Johnson,

Commissioner.

I concur:

(Sgd) W. C. Mendenhall,

Director, Geological Survey.

Approved: August 3, 1942.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

These regulations are issued under the authority contained in Sec. 32, 41 Stat. 450; 30 U.S.C. 189.

Circular No. 1515

REGULATIONS GOVERNING OIL AND GAS EXCHANGE LEASES UNDER SECTION 2(a) OF THE ACT OF AUGUST 21, 1935 (49 STAT. 674)

(Superseding Section 192.29 of Title 43 of the Code of Federal Regulations)

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

EXCHANGE OF CERTAIN OUTSTANDING OIL AND GAS LEASES FOR NEW LEASES

192.86 Statutory authority. Section 2(a) of the Act of August 21, 1935 (49 Stat. 679; 30 U.S.C. 223a) provides for the issuance of new leases to lessees holding oil or gas leases under any of the provisions of the Act at the time the Act becomes effective, such new leases to be in lieu of the leases then held by such lessees and to be at a royalty rate of not less than 12½ percent in amount or value of the production, and upon such terms and conditions as the Secretary of the Interior shall by general rule prescribe, provided that no limitation of acreage not provided for under the law or regulations under which the old lease was issued shall be applicable to the new lease.

192.87 Overriding royalties. Oil and gas exchange leases will not be issued unless overriding royalties are reduced to not more than 5 percent by agreement between the interested parties. An affidavit must be furnished by the applicant for the exchange lease showing that there will be no overriding royalties in excess of 5 per cent outstanding under the lease, if issued, and that no other payments will be made out of production which constitute a burden upon lease operations prejudicial to the interests of the United States. If other payments are to be made out of production, a full showing relative thereto must be furnished.

192.88 Lands in the vicinity of Naval Petroleum Reserves. No section 2 (a) exchange lease will be issued for lands within the known geologic structure of an oil and gas field comprising in whole or in part a naval petroleum reserve, or for lands within one mile of such a reserve where the limits of the structure cannot be reasonably determined, unless the applicant consents to the amendment of the drilling requirements under section 2 (c) of the lease form (4-208f) to read as follows:

> "Wells. That, since the leased lands are adjacent to or near Naval Petroleum Reserve No. __, no additional wells shall be drilled nor shall any existing wells be deepened on the lands covered hereby; provided, however, that additional wells necessary to protect the leased lands from drainage by wells drilled on adjoining lands not owned by the United States or on lands of the United States leased to others may be drilled upon the approval of the Secretary of the Interior. Should producing operations be suspended in the interest of conservation or for any other reason on adjoining lands the lessee further agrees upon the request of the Secretary of the Interior to suspend production on the leased lands for the period production is suspended on the adjoining lands aforesaid, with the understanding that the term of the lease shall be extended by adding any such suspension period thereto,"

and these restrictions shall not be waived or modified by the Secretary of the Interior without first affording the Navy Department an opportunity to express its views relative thereto.

192.89 Application for exchange. The application for exchange lease should be filed in triplicate with the register of the land office for the district in which the leased lands are located or, if in a state in which there is no district land office, with the General Land Office. Such application should be made by the record title holder, or holders, of the lease and be joined in or consented to by the operator of record. It should be stated in the application that all moneys due the United States have been paid and that operations under the lease have been conducted in accordance with the regulations of the Department and that outstanding overriding royalty interests under the lease do not exceed 5 per cent, exclusive of the royalty payable to the United States, and must be accompanied by the affidavit required under sec. 192.87. The register will forward one copy of the application to the supervisor of oil and gas operations, Geological Survey, for the district in which the lands are located.

192.90 Report by Geological Survey. Upon receipt of the application for exchange the oil and gas supervisor will report to the Director of the Geological Survey as to the number and status of the wells drilled on the leasehold; the current rate of production if any; whether the lessee has made full compliance with the operating regulations of the Geological Survey and if not the respects in which the lessee has failed to make compliance; whether present or prospective operation of existing wells on the lease premises, if adjacent to or near a naval petroleum reserve, will result in drainage of the oil or gas deposits in the reserve; and whether the effect of such exchange would be to reduce the current royalty values more than 20 percent. Thereupon the Director of the Geological Survey will transmit a report to the Commissioner of the General Land Office with such recommendation as the facts may warrant.

192.91 Action in General Land Office. The Commissioner of the General Land Office shall consider the application and report submitted by the Director of the Geological Survey.

(a) If no objection to the exchange of the lease appears to the Commissioner of the General Land Office, copies of an exchange lease in triplicate will be forwarded to the lessee through the Register for execution and return together with a satisfactory lease bond. The Commissioner of the General Land Office shall then make recommendation to the Secretary of the Interior and if the lease is executed by the Secretary, one copy thereof will be delivered to the lessee.

(b) If the effect of the exchange would be to reduce the current royalty values more than 20 percent, the Commissioner will prepare a letter to the Secretary of the Interior calling attention to this feature, with a complete showing of all other facts which might be of importance in determining whether an approval of the exchange would be to the advantage of the United States, and recommending authorization of the exchange lease, if such a recommendation is deemed warranted by the Commissioner. In this case bond and lease forms will not be prepared for transmittal to the lessee through the Register until such authorization is received from the Secretary of the Interior. Upon such authorization, copies of an exchange lease in triplicate will be forwarded to the lessee through the register for execution and return together with a satisfactory lease bond. Upon receipt of the lease forms and bond properly executed by the lessee, they will be submitted to the Secretary of the Interior, and if executed by him, one copy thereof will be delivered to the lessee.

192.92. Bond. The applicant shall furnish and maintain a corporate surety lease bond of not less than $5,000.

192.93 Rental. Under the exchange lease the lessee shall pay an annual rental of $1.00 per acre where all or a part of the leased leands are situated within the limits of a geologic structure of a producing oil or gas field as theretofore or thereafter defined by the Geological Survey, the rental for any one year to be credited against the royalty accruing for that year, provided (a) that such rental may be reduced in the discretion of the Secretary of the Interior to a minimum of not less than 25 cents per acre where a satisfactory showing is made that the lease cannot be operated at the higher rental herein prescribed, and (b) that prior to a valuable discovery of oil or gas within the limits of the geologic structure upon which all or a part of the leased lands are situated, the rental shall be 25 cents per acre.

192.94 Exchange lease. The exchange lease will be executed on form 4-208f, bear current date, and will run for a period of 10 years and so long thereafter as oil and gas are produced in paying quantities. Two or more outstanding leases may be combined into a single lease where held in common ownership and the lands are sufficiently compact to justify their inclusion in one lease. Except as otherwise provided in sections 192.86-192.93 the form of exchange lease contains substantially the same terms and conditions as the form of oil and gas lease prescribed for leases granted under the amendatory act of August 21, 1935, contained in section 192.28.

192.95 Applicability. Sections 192.86-192.94 shall be effective as to all applications heretofore or hereafter filed for the exchange of leases, and supersede the general instructions contained in section 192.29.

(Sgd) Fred W. Johnson,

Commissioner.

I concur:

(Sgd) W. C. Mendenhall,

Director, Geological Survey.

Approved: August 3, 1942.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

These regulations are issued under the authority contained in Sec. 32, 41 Stat. 450; 30 U.S.C. 189.

Circular No. 1516

REGULATIONS GOVERNING THE LEASE OR SALE OF PUBLIC LANDS FOR THE MANUFACTURE OR PRODUCTION OF WAR MATERIALS

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 14, 1942

PART 260 -- SPECIAL LEASES OR SALES

Sec. 260.1 Statutory Authority. The Act of June 5, 1942, Public Law 586, authorizes the lease or sale of public lands to persons, partnerships and corporations

> "for use in connection with the manufacture of arms, ammunition, and implements of war, or the production of equipment, supplies, and materials, or machinery usuable in such manufacture."

The Act provides in section 4 that it shall cease to be operative 6 months after the termination of the unlimited national emergency proclaimed by Proclamation 2487 of May 27, 1941.

260.2 Policy. Although the Act of June 5, 1942, authorizes the lease or sale of public lands, in the discretion of the Secretary of the Interior, no sale will be made unless the needs of the applicant cannot be met satisfactorily by a lease. Each applicant to purchase land will be required to make a clear and convincing showing as to the necessity for the purchase.

No lands will be leased or sold, except with a reservation to the United States of all mineral deposits therein, together with the right to prospect for, mine and remove the same.

Leases under the Act will not be issued if other laws and regulations provide specific authority under which the resources or materials may be obtained, in the absence of a satisfactory showing by the applicant that such provisions are inadequate to meet his requirements.

The use of the leased lands will be restricted to the uses authorized by the lease. No timber, mineral or other resources may be removed from the lands unless specifically authorized.

All operations must be conducted so as not to cause unnecessary reduction in the usefulness of the lands for other purposes, or to impair the scenic values or recreational uses.

260.3 Lands. Leases may be issued, or sales made, of vacant public lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, or Executive Order 6964 of February 5, 1935, or within a grazing district, but not otherwise withdrawn or reserved from entry and disposal under nonmineral laws.

The acreage which may be leased or sold will be restricted to that area which is reasonably necessary for the proposed project.

260.4 Application. An application must be submitted in affidavit form, in triplicate, and should be filed in the land office for the district in which the lands are situated. If there is no district land office in the State, the application should be filed in the General Land Office. The application should show:

(a) The name and address of each applicant.

(b) The facts as to the age and citizenship of the applicant, if an individual, or as to the partnership or incorporation, and the citizenship of each partner or stockholder, if the applicant is a partnership or a corporation.

(c) The general business of the applicant, and its relation to the war program.

(d) Whether the applicant wishes to lease or purchase the land. If a lease is requested, the applicant should specify the period for which it is desired, not exceeding 6 months after the termination of the unlimited national emergency.

(e) If a sale is requested, the applicant should state why the acquisition of title in connection with the proposed project is necessary and why a lease of the land will not suffice.

(f) A description of the land involved. The land, if surveyed, should be described with reference to the public land surveys. If unsurveyed, it should be described in such a manner that it may be identified with certainty.

(g) That the land, or the resource or material thereon for which application is made, is needed and will be used by the applicant in connection with the manufacture of arms, ammunition or implements of war, or the production of equipment, supplies and materials, or machinery, usuable in such manufacture. If the applicant has entered into any contract(s) involving the manufacture or production or such material or equipment, a copy of the contract(s), or information relative thereto, should be furnished.

(h) The facts as to the buildings and improvements, if any, including the estimated cost thereof, which the applicant proposes to place on the land, together with a description of the land desired for such structures.

(i) Whether the land is occupied or improved by any person. If so, the name of the occupant and the purpose for which the land is used should be given.

(j) When the lands were last examined by the applicant.

260.5 Citizenship. Each applicant must be a citizen of the United States or one who has declared his intention to become a citizen, a partnership composed of such persons, or a corporation owned by such persons and organized under the laws of the United States or of a State or Territory thereof and authorized to transact business in the State or States in which the lands involved are situated.

260.6 Action by register. When received, the register will give an application a current serial number and will note it on the records of the district land office. If the application is not properly executed, or is not accompanied by the required fee, or is otherwise irregular, the register will reject it. The applicant will have the right of appeal. The register will forward the application with the copies to the General Land Office by special letter.

260.7 Provisions of lease. Each lease will contain such provisions as may be necessary to safeguard the rights of the United States. The attached form, which is made a part of this section, will be used, so far as the form may be appropriate.

Unless the accomplishment of the purpose for which the lands are leased will be hindered, each lease will provide that it shall not interfere with or prevent:

(a) The prospecting, locating, developing, mining, entering, leasing, or patenting of the mineral resources under any laws or regulations applicable thereto.

(b) The issuance of grazing privileges, under applicable laws and regulations;

(c) The use and disposal of timber or other resources on the lands, under applicable laws and regulations.

(d) The acquisition or granting of rights-of-way or easements under applicable laws and regulations.

(e) Hunting and fishing on the lands by any person under applicable State or Federal hunting and fishing laws and regulations.

260.8 Issuance of leases. The Secretary of the Interior is authorized, in his discretion, to issue leases under the Act of June 5, 1942. The Commissioner of the General Land Office will take appropriate action on all applications for the leases and will make recommendations to the

Secretary as to the issuance or leases. No recommendation for the lease or sale of lands within grazing districts will be made without the prior concurrence of the Director of Grazing. All actions of the Commissioner on applications will be subject to review or appeal, in accordance with the Rules of Practice (43 CFR, Part 221).

260.9 Fee. Each applicant must pay a fee of $5.00 if the application is for 1,000 acres or less and an additional $5.00 for each 1,000 acres or fraction thereof. The fee will be carried as unearned pending action on the application. If the application is rejected, the fee will be returned. If a lease based on the application is offered to the applicant, and refused by him, the fee will be retained and earned as a service charge.

260.10 Charges. All lessees, other than agencies of the Federal Government, will be required to make payment of a reasonable charge for the use of the land, or for the procurement of resources or materials therefrom, to be fixed in the lease. All annual rental charges shall be payable in advance.

Where public land is sold, the applicant will be required to pay its reasonable value, to be fixed by appraisement, but not less than $1.25 per acre.

All payments must be made to the Register of the land office for the district in which the lands are situated. Moneys received from sales of the lands will be deposited and accounted for in like manner as other proceeds from the sale of public land. Lease rentals will be deposited and accounted for as miscellaneous receipts, rent of land.

260.11 Publication and Posting. Publication and posting will be required for 30 days, in connection with all sales of land. The notice must be published in a newspaper designated by the Commissioner of the General Land Office. If this be a daily paper, the notice must be published in the Wednesday issue for five consecutive weeks; if weekly, for five consecutive issues; and if semi-weekly, in either issue for five consecutive weeks. The Register will cause a similar notice to be posted in his office, such notice to remain posted during the entire period of publication. The applicant must file in the district land office prior to the issuance of final certificate evidence that publication has been had for the required period. The evidence may consist of the affidavit of the publisher, accompanied by a copy of the notice as published.

Publication and posting will not be required in connection with an application for lease.

260.12 Execution of lease; bond and advance rental payment. Upon approval of an application, a proposed lease will be prepared and forwarded through the register to the applicant. The lease must be executed by the applicant in quadruplicate and returned by him to the register.

The applicant must furnish with the proposed lease, when returned, a corporate surety bond in such amount as may be determined, but not less than $1,000, conditioned upon the performance by the applicant of all the terms of the lease. The applicant also must pay, in advance, the annual rental for the first year of the lease.

260.13 Lien. A lien for rental charges and other payments which become due will be reserved to the United States on all improvements, fixtures, and personal property of the lessee on the lands. No improvements or fixtures may be removed from the land unless all moneys due the United States have been paid.

Each lease must be recorded by the lessee at his expense, pursuant to the applicable recordation statute of the jurisdiction wherein the land is situated, and evidence of such recordation must be furnished.

260.14 Assignment of Lease. A lessee may not assign his lease, or any interest therein, without the approval of the Secretary of the Interior. A proposed assignment must be executed in triplicate and forwarded, within 30 days from the date of its execution, to the register of the proper district land office, for transmittal to the Commissioner of the General Land Office. It must be supported by a statement signed by the assignee agreeing to be bound by the provisions of the lease if the assignment is approved, and a showing that the assignee possesses the qualifications required of a lessee. The Commissioner will make appropriate recommendations to the Secretary.

260.15 Termination of Lease. The lessee, with the consent of the Secretary of the Interior first had and obtained in writing, may surrender and terminate his lease upon payment of all charges due thereunder, upon payment of all wages and moneys due and payable to workmen employed by him, and upon making a showing satisfactory to the Secretary that the public interests will not be impaired.

If a lease is terminated because of the expiration of the unlimited national emergency prior to the expiration of any year for which advance annual rental has been paid, a proportionate refund of the rental payment will be made.

260.16 Removal of materials, equipment or machinery on termination of lease. Upon the expiration of a lease, or the earlier termination thereof pursuant to the preceding section, the lessee shall have the right at any time within 90 days thereafter, or such extension thereof as may be granted by the Secretary of the Interior, to remove the materials, equipment or machinery placed by him on the land, provided, all moneys due the United States have been paid. Any materials, equipment or machinery remaining on the lands at the expiration of such period shall become the property of the United States.

260.17 Cancelation of Lease. A lease may be canceled by the Secretary of the Interior if the lessee shall change his production from war to non-war purposes, or shall fail to make any payment required thereunder, or to comply with any of the provisions thereof, and such default shall continue for 30 days after written notice thereof to the lessee.

Fred W. Johnson,

Commissioner.

Approved: August 14, 1942.

Harold L. Ickes,

Secretary of the Interior.

These regulations are issued under the authority contained in the Act of June 5, 1942 (Public Law 586),

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

Serial No.

LEASE OF PUBLIC LANDS FOR MANUFACTURE OR PRODUCTION OF WAR MATERIALS

- - -

The United States of America (lessor), acting through the Secretary of the Interior, and

of

(lessee), under the Act of Congress approved June 5, 1942, Public Law 586, and the regulations thereunder, all of which are made a part hereof, agree:

Sec. 1. Rights granted. That the lessee shall have the exclusive right and privilege of using for

the following-described tract of land:

Section , Township , Range
Meridian, State of
containing acres, more or less, for the following period:

That the lessee also shall have the right to construct, and to maintain on that part of the leased land described below, during the period of this lease, such manufacturing, processing, storage and office buildings, including transportation facilities, as may be useful in connection with the operations authorized hereunder:

Sec. 2. In consideration of the foregoing, the lessee agrees:

(a) Annual rental. To pay the lessor each year in advance as annual rental the sum of $.

(b) Monthly statements; payment for materials covered by lease. To furnish monthly statements at such time and in such form as may be required by the lessor, showing the facts as to all resources or material removed from the land, where such removal is authorized by this lease, and to pay the lessor for all resources or material so removed during each six months period of this lease within 30 days after the expiration of such period. The amount of the payments will be determined as follows:

(c) Conduct of operations. To conduct all operations on the leased land in accordance with the requirements of the laws of the State in which the land is located, as well as the laws of the United States.

(d) Taxes. To pay, when due, all taxes lawfully assessed and levied under the laws of the State or the United States on the leasehold or other right or interest of the lessee under this lease, or on the materials, equipment, or machinery placed by the lessee on the land.

(e) Use of materials not covered by lease. Not to cut timber from the land, or to remove any other resources or materials therefrom, unless specifically authorized by the provisions of this lease, without securing the prior approval of the Secretary of the Interior.

(f) Waste; unauthorized use. Not to commit waste or injury to the land, and not to devote the land to any occupation or use other than the purposes for which this lease is given.

(g) Fires. To take all reasonable precautions to prevent and suppress forest, brush and grass fires.

(h) Pollution of waters. To take all possible precautions to prevent pollution of waters on and in the vicinity of this tract, including, if required by state or local law, the installation of sewerage treatment works.

(i) Wildlife. To observe all laws and regulations for the protection of game animals, game birds, and non-game birds, and not to disturb such animals or birds unnecessarily.

(j) Labor policy. To accord all workmen and employees freedom to bargain collectively and complete freedom of purchase, to pay them at least twice each month in lawful money of the United States and to carry on all operations hereunder with due regard to their health and safety.

(k) Roads. Not to enclose roads or trails commonly used for public travel.

(l) Regulations. To abide by and conform to any and all reasonable regulations of the Secretary of the Interior now or hereafter in force under the Act of June 5, 1942, all of which regulations are made a part and condition of this lease, provided that such future regulations shall not effect any change in the annual rental or other charge without the consent of the parties hereto.

(m) Inspection. That the leased premises and the books and records of the lessee relating to operations under the lease shall be subject to inspection at all reasonable times by duly authorized representatives of the Department of the Interior, and that other Federal agencies, including game wardens, shall be given access to the premises in connection with necessary Government business.

(n) Assignments. Not to assign this lease, or any interest therein, without the consent of the Secretary of the Interior; that any such assignment, if made, will contain all the terms and conditions agreed upon by the parties thereto; and that the proposed assignment will be forwarded in triplicate within 30 days from the date of its execution to the register of the proper district land office for transmittal to the Commissioner of the General Land Office.

Sec. 3. Lien. A lien for rental charges and other payments which become due is hereby reserved to the United States on all improvements, fixtures, and personal property of the lessee on the lands. No improvements or fixtures may be removed from the lands unless all moneys due the United States have been paid.

The lessee agrees to record this lease at his expense, pursuant to the applicable recordation statute of the jurisdiction wherein the land is situated, and to furnish the lessor evidence of such recordation.

Sec. 4. Rights reserved. Except as indicated below, this lease shall not interfere with or prevent:

(a) The prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources under any laws or regulations applicable thereto.

(b) The issuance of grazing privileges, under applicable laws and regulations.

(c) The use and disposal of timber or other resources on the lands, under applicable laws and regulations.

(d) The acquisition or granting of rights-of-way or easements under applicable laws and regulations.

(d) Hunting and fishing on the lands by any person under applicable State or Federal hunting and fishing laws and regulations.

Sec. 5. Termination of lease. The lessee, with the consent of the lessor, first had and obtained in writing, may surrender and terminate this lease upon payment of all charges due thereunder, upon payment of all wages and moneys due and payable to workmen employed by him, and upon making a showing satisfactory to the lessor that the public interests will not be impaired.

If this lease is terminated because of the expiration of the unlimited national emergency prior to the expiration of any year for which advance annual rental has been paid, a proportionate refund of the rental payment will be made.

Sec. 6. Removal of materials, equipment or improvements on termination of lease. Upon the expiration of this lease, or the earlier termination thereof pursuant to the preceding section hereof, the lessee shall have the right at any time within 90 days thereafter, or such extension thereof as may be granted by the Secretary of the Interior, to remove the materials, equipment or improvements placed by him on the lands, provided all moneys due the United States have been paid. Any materials, equipment or machinery remaining on the lands at the expiration of such period shall become the property of the United States.

Sec. 7. Cancelation of lease. This lease may be canceled by the lessor if the lessee shall change his production from war to non-war purposes, or if he shall fail to make any payment required thereunder, or to comply with any provisions thereof, and such default shall continue for 30 days after written notice thereof to the lessee.

Sec. 8. Unlawful interest. No Member of, or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and no officer, agent or employee of the Department of the Interior, shall be admitted to any share or part in this lease, or derive any benefit that may arise therefrom. The provisions of section 3741 of the Revised Statutes and sections 114, 115, and 116 of the Criminal Code, approved March 4, 1909 (35 Stat. 1109), relating to contracts, enter into and form a part of this lease, so far as the same may be applicable.

Sec. 9. Heirs and successors in interest. Each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

IN WITNESS WHEREOF:

THE UNITED STATES OF AMERICA.

By ______________________

____

Witnesses to signature
of lessee:

____

______________________ ______________________

____

Still in effect 5/28/54

Circular No. 1518

REPORTS AS TO SPRINGS OR WATER HOLES TO BE ACCEPTED IN PLACE OF AFFIDAVITS IN CASES OF STATE SELECTIONS FOR LANDS IN GRAZING DISTRICTS.

Amended by Circ. 1661

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Sections 292.3 and 292.8 of Title 43 of the Code of Federal Regulations, based upon Circulars 1066 and 1231, approved May 25, 1926 and January 27, 1932, respectively, are hereby amended by adding to each a paragraph reading as follows:

> The affidavits mentioned will not be required in connection with proposed State exchanges or indemnity school and other State selections, involving public lands in grazing districts, where agreements as to the exchanges or selections have been reached by representatives of the State, the Grazing Service and the General Land Office and the Grazing Service has reported that the lands do not contain springs or water holes of the type mentioned above.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: October 9, 1942.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

These regulations are issued under the authority contained in R.S. 453, 2478; 43 U.S.C. 2, 1201.

11017

Circular No. 1521

Obsolete —
see Circ
1751

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

* * *

REGULATIONS GOVERNING PERMITS FOR RIGHTS-OF-WAY FOR LOGGING ROADS OVER REVESTED AND RECONVEYED LANDS AND INTERMINGLED PUBLIC LANDS IN OREGON

Act of January 21, 1895 (28 Stat. 635; 43 U.S.C. 956) and
Section 5, Act of August 28, 1937 (50 Stat. 875).

TABLE OF CONTENTS

Sec.

115.114 Statutory authority.

115.115 Tramroads defined.

115.116 Application.

115.117 Showing which must accompany application.

115.118 Trespass.

115.119 Rental charge.

115.120 Agreement required as a condition to issuance of permit.

115.121 Term of permit.

115.122 Action on application.

115.123 Disposition of papers and money.

115.124 Causes for cancelation of permit.

115.125 Disposition of property on termination of permit.

115.126 Assignment of permit.

115.127 Appeals and other proceedings.

REGULATIONS GOVERNING PERMITS FOR RIGHTS-OF-WAY FOR LOGGING ROADS OVER REVESTED AND RECONVEYED LANDS AND INTERMINGLED PUBLIC LANDS IN OREGON

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Sec. 115.114 Statutory authority. The act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956), authorizes the Secretary of the Interior under such regulations as may be fixed by him to permit the use of rights-of-way over the public lands of the United States, for tramroads to the extent of 50 feet on each side of the center line of the tramroad, by any citizen or association of citizens of the United States, engaged in the business of mining, or quarrying, or of cutting timber and manufacturing lumber.

Section 5 of the Act of August 28, 1937 (50 Stat. 875), providing for the conservation management of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands, authorizes the Secretary of the Interior to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of the Act into full force and effect.

By section 2 of the Act of June 9, 1916 (39 Stat. 219) and section 3 of the act of February 26, 1919 (40 Stat. 1180), the general laws relating to the granting of rights-of-way over or permits for the use of public lands were made applicable to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands.

Sec. 115.115 Tramroads defined. Tramroads are considered as including tramways, narrow-gage railroads, and wagon or motor-truck roads, to be used in connection with mining, quarrying, logging, and the manufacturing of lumber.

Sec. 115.116 Application. All applications for permits for the temporary use of rights-of-way for logging road purposes over the Oregon and California Railroad and Coos Bay Wagon Road grant lands and intermingled public lands in the State of Oregon, under the jurisdiction of the Department of the Interior, should be submitted in duplicate, on form 4-980, which is made a part hereof*, and filed in the office of the Chief Forester, Oregon and California Revested Lands Administration, 410 Custom House, Portland, Oregon. Application forms will be furnished by the Chief Forester, upon request.

---

*See page 7

Sec. 115.117 Showing which must accompany application. Application by an individual must be accompanied by evidence of citizenship. The applicant must state in the application whether he is native born or a naturalized citizen. If naturalized, he must furnish the usual proof of naturalization.

(a) Application by a private corporation must be accompanied by a copy of its articles of incorporation duly certified by the proper officer of the company under its corporate seal or by the Secretary of the State where organized; also an uncertified copy. A company incorporated in a State other than the State of Oregon, must submit the certificate of the proper officer of the State of Oregon, that it has complied with the laws of that State governing foreign corporations to the extent required to entitle the company to operate in the State. If the company shall have previously filed the papers herein required, the requirement shall be held to be met if, in making subsequent applications, specific reference is made to date and case number of such previous filings.

(b) A map prepared on tracing linen, with two print copies thereof, on a scale of 4 inches or 8 inches to the mile, showing the survey of the right-of-way properly located with relation to the public land surveys, so that the right-of-way may be accurately located on the ground by any competent engineer or forest officer. The map should comply with the following requirements:

> Courses and distances of the center line of the right-of-way should be given; the courses referred to the true meridian and the distance in feet and decimals thereof.
>
> The initial and terminal points of the survey should be accurately connected by course and distance to the nearest corner of the public land surveys.
>
> All subdivisions of the public lands surveys any part of which is within the limits of the survey should be shown in their entirety, based upon the official subsisting plats with subdivision, section, township and range clearly marked.
>
> The width of the right-of-way should be given and if not of uniform width, the location and amount of change must be definitely shown.
>
> The map should bear upon its face the affidavit of the engineer who made the survey and the certificate of the applicant. (Forms 1 and 2 which are made a part hereof).*

---

*See page 6

Sec. 115.118 Trespass. The filing of an application for a temporary right-of-way permit will not authorize the applicant to use the right-of-way in any manner or for any purpose until a permit has been duly executed by the Chief Forester. Any unauthorized use of the right-of-way is a trespass. The Chief Forester will report such unauthorized use to the Regional Field Examiner and in no event shall a permit be issued for the right-of-way so used, or for any right-of-way, unless and until settlement has been made for the trespass.

Sec. 115.119. Rental Charge. The charge for the use of rights-of-way for logging roads under a temporary permit shall be at the rate of five dollars ($5) per mile or fraction thereof per annum or any part thereof per annum or any part thereof, the minimum charge to be five dollars ($5). No fee will be required on the filing of an application.

Sec. 115.120 Agreement required as a condition to issuance of permit. Before a permit will be issued for a logging road, the applicant will be required to execute and file an agreement on form 4-980a*, which is made a part hereof and shall constitute and form a part of the permit.

Sec. 115.121 Term of permit. When the necessary basic information has been secured, the Chief Forester, may in his discretion issue temporary permits for periods not to exceed two years. When the permit expires, it may be renewed for periods not to exceed two years, in the discretion of the Chief Forester, upon such terms and conditions as he may prescribe.

Sec. 115.122 Action on application. When an application is received, the Chief Forester will assign thereto a number similar to that used in timber sales, with the symbol R.W.A., which will identify it as a right-of-way application and will secure from the Register of the District Land Office a status report of the lands involved. If the status of the lands is such as would not preclude the issuance of a permit the Chief Forester will then cause a field examination to be made, if necessary, to ascertain the amount of Government timber to be cut, removed or destroyed, if any, in the construction and operation of the road, and will make a determination as to the advisability of approval of the application. In making such determination, consideration will be given to the effect that the permit for the right-of-way will have on the removal of Government timber from the adjoining and adjacent revested and reconveyed areas, and as to whether the approval of the application will in any way interfere with the proper administration of the lands affected, or be inconsistent with the object of the Government, or adversely effect or impair watershed protection, stream-flow regulation and other conservation features enumerated in the act of August 28, 1937 (50 Stat. 874).

---

*See page 8

Upon determination that the use of the right-of-way applied for will not be contrary to public interest or inconsistent with the object of the Government, the Chief Forester will prepare a draft of agreement and permit, in quadruplicate, together with 2 copies thereof and shall transmit to the applicant the draft of agreement, in quadruplicate, for execution, allowing the applicant 10 days from receipt thereof in which to return the executed agreement, accompanied by such sum as may be specified by him as due in payment of the estimated damage to the Government timber which will be cut, removed, or destroyed, if any, in the construction of the road, plus the sum to cover the rental charge for the use of the right-of-way for the entire period specified in the agreement and permit. If the executed agreement is not returned, accompanied by the amounts due as rental and payment for damage to the Government timber, if any, or an application filed for the modification of any of its provisions, within the time specified, the application will be considered as abandoned and will be rejected.

If, within the time allowed, the applicant shall return the agreement properly executed, together with the sum due as rental and in payment for the damage to the Government timber, if, any, the Chief Forester will date and sign the permit in quadruplicate, and make appropriate notations on the records of his office of the issuance of the permit.

Sec. 115.123 Disposition of papers and money. Upon the approval of the permit, the Chief Forester will forward one original to the permittee. One original permit and the duplicate application and a copy of the map will be retained by the Chief Forester for the files of his office. Two original permits with the two copies thereof, the original application, the original map and copy thereof, will be forwarded by the Chief Forester to the Register of the District Land Office for the district in which the land affected is located. The Register will not assign a serial number thereto but will make appropriate notations on his records of the permit, retaining one copy thereof and the copy of the map, and will transmit the two original permits and remaining copy together with the original application and map, to the Commissioner of the General Land Office.

(a) The moneys received in payment of rental charges and for damage to Government timber on revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands will be disposed of by the Chief Forester in the same manner as money received from the sale of Government timber on such lands. In all cases involving other than revested or reconveyed lands, the Chief Forester will transmit to the Register of the appropriate District Land Office, the rental for disposition in accordance with the regulations approved August 7, 1939 (43 CFR 244.9a; Circ. 1459).

Sec. 115.124 Causes for cancelation of permit. If the permittee shall fail to comply with any of the provisions of these regulations, or makes default in the performance or observation of any of the terms and conditions of the agreement and permit, and such default shall continue for 10 days after service of written notice thereof by the Chief Forester, then that officer may in his discretion terminate and cancel the permit.

Sec. 115.125 Disposition of property on termination of permit. Upon the termination of the permit by expiration or by prior cancelation, in the absence of any agreement to the contrary, the permittee will be allowed 6 months in which to remove or otherwise dispose of all property, or improvements of any kind owned or controlled by him; but if not removed within this period, all such property and improvements shall become the property of the United States.

Sec. 115.126 Assignment of permit. Proposed assignment of a permit must be submitted in duplicate to the Chief Forester, accompanied by the same showing by the assignee of qualification, as is required of the applicant for a permit; and must be supported by a stipulation that the assignee agrees to comply with and be bound by the terms and conditions of the permit.

Sec. 115.127 Appeals and other proceedings. All action taken by the Chief Forester adverse to the applicant or the permittee will be subject to appeal under the Rules of Practice of the Department of the Interior as in cases initiated before the Registers of the District Land Office.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: January 5, 1943.

(Sgd) Abe Fortas,

Acting Secretary of the Interior.

These regulations are issued under authority contained in 28 Stat. 635; 43 U. S. C. 956 and Sec. 5, 50 Stat. 875.

Forms to be placed on maps*

(Form 1)

State of__________,

County of__________ss:

______________________________, being duly sworn, says he is the__________________, of the ____________________Company; that the survey of said company's road right-of-way, as shown on this map, being a total length over public lands of__________(feet or miles), was made by him as__________________of the company and under authority, commenced on the____day of______________19___, and ending on the _____day of____________19___.

____

____

Sworn and subscribed to before me this____day of_________________19 ___.

____
Notary Public.

(Form 2)

I,__________________________, do hereby certify that I am the _____________________of the________________________Company; that_____________________, who subscribed the accompanying affidavit, is the_____________________of said company; that the survey of the logging road, as accurately represented on this map, was made under authority of the company; that the company is duly authorized to construct the said logging road upon the location shown on this map; that the right-of-way represented on this map, was adopted by the company as the definite location of the said logging road, and that the map has been prepared to be filed as a part of the company's application in order that it may obtain the benefits of the act of January 21, 1895 (28 Stat. 635; 43 U.S.C. 956); and I further certify that the right-of-way herein described is desired for the purpose of transporting timber products.

(Seal of Company)

____
President of the________________________Company

____
Secretary

---

*Where necessary, these forms should be modified so as to be appropriate to the applicant (corporation, association, individual or partnership.)

4-980 11017

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Oregon and California Revested Lands Administration
Portland, Oregon

Application for Temporary
Right-of-way Permit

No. R.W.A.________
Date____________19____

(a) I,________________________________, of________________________
(post office Address)
____, hereby make application for permission to use a right-of-way for a logging road under the act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956), for a period not to exceed __________year_____, across the ____________________________________

____

Section__________, Township______________, Range________, __________Meridian, Oregon, as shown on the accompanying map, which is made a part hereof.

(b) Describe by legal subdivisions the private timber which you own, have under contract or expect to acquire to be transported over the right-of-way.

____

____

Section__________, Township______________, Range________, __________Meridian.

(c) Describe by legal subdivisions the Oregon and California Administration or other Government-owned timber you expect to remove over the right-of-way.

____

Section__________, Township______________, Range________, __________Meridian, Oregon.

(d) Are you a citizen of the United States?__________By birth?__________
By naturalization?______________. (See Footnote.)

____
Signature of Applicant.

Subscribed and sworn to before me this_______day of______________, 19____.
(The original application only need be sworn to.)

____

____
(Official designation of officer.)

(If the applicant is a naturalized citizen, the usual proof of such naturalization must be furnished. If the applicant is a corporation, a certified copy of its articles of incorporation, and a copy thereof, must be submitted.)

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Oregon and California Revested Lands Administration
Portland, Oregon

Right-of-Way for Logging Road
Act of January 21, 1895 (28 Stat. 635)

No. R.W.A.__________

Agreement

____, having heretofore filed application, designated R.W.A. No.____under the act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956), for permission to occupy and use of right-of-way across certain public lands of the United States in the State of Oregon, for a logging road as shown on the map filed therewith, hereby renews and affirms said application, and in consideration of and as a prerequisite to the granting of the permission sought, does hereby agree that upon and after the issuance of the permit__________will comply with the terms and conditions of the regulations and will fulfill and perform the stipulations hereinafter stated:

(a) To deposit with the Chief Forester, O. and C. Lands Administration, prior to the issuance of the permit, the sum of ______________________________ ______________________($__________), as rental for the use of the land for logging road purposes for a period not to exceed__________years, beginning with the date of the permit.

(b) Not to cut, remove or destroy any timber not previously purchased on the right-of-way without having first obtained specific authorization from the Chief Forester, O. and C. Lands Administration.

(c) To deposit with the Chief Forester, O. and C. Lands Administration, prior to the issuance of the permit, the sum of______________________________ ($__________), in full payment, at established stumpage prices, for the estimated volume of all timber to be cut, removed or destroyed on the Government land in the construction and operation of the logging road.

(d) To take adequate precaution to prevent and suppress forest, brush and grass fires, and that neither he nor his employees will set fires that will result in damage to the timber, range, or wildlife, and to extinguish all campfires before leaving the vicinity thereof and to do no burning without permit during the closed season.

(e) To permit authorized representatives of the Department of the Interior, at any time, to use the road for purposes of inspection and other public business. Further to agree to the reservation, by the United States Government, of the right to use the right-of-way and also to grant to the United States Government the right to use any right-of-way owned or controlled by____________________ as an integral part of the road system to which this right-of-way will be added,

and to delegate the use thereof to other parties for the removal of any products from Government-owned lands, or for fire protection purposes, transportation of crews, or any legitimate purpose in so far as the same are consistent with the interests of the United States Government. Provided, however, that in the event the use of any of the rights-of-way authorized by the agreement to which this permit applies is assigned by the United States Government to other parties for the removal of products from Government-owned lands, such parties will be required to pay to______________________, their heirs or assigns, for the use thereof, such compensation as may be determined by the Chief Forester of the O. and C. Administration to be fair and reasonable.

(f) The permit and right-of-way thereby afforded shall be subject to all valid existing rights and to a reservation of rights-of-way for ditches and canals constructed under authority of the United States.

IN WITNESS WHEREOF, I have subscribed my name hereto on this_________day of ________________19_____.

____

____

Subscribed and sworn to before me this_____day of_________________19_____.

____

____

PERMIT

Pursuant to the provisions of the act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956), and to the regulations present and future thereunder, and in consideration of the stipulations made and set forth in the foregoing agreement, permission is hereby granted to_______________________________ TO USE A RIGHT OF WAY over the public lands for the construction and operation of a logging road on the location shown on the map filed with the application, for a period not to exceed_____year_____from the date hereof, subject to the terms and conditions expressed in the foregoing agreement.

IN WITNESS WHEREOF, I have subscribed my name hereto on this____day of _____ __________19____.

____

Chief Forester,
Oregon and California Revested Lands
Administration.

CIRCULAR NO. 1522

REGULATIONS FOR THE SALE OF TOWN LOTS IN THE TOWN SITE OF ARGUS, CALIFORNIA

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1. Statutory Authority. The lots in the town site of Argus, California, will be disposed of under Sections 2382 to 2386, Revised Statutes. The town site plat was accepted November 21, 1942.

2. Area and Price. The area and minimum price of the lots which will be sold are shown by the attached schedule.

3. Public Sale. On Friday, April 16, 1943, beginning at 10 o'clock A. M., a sale at public auction to the highest bidder will be held at the town site of all the unreserved lots for which preemption proof has not been made as provided for hereinafter. The sale will be continued from day to day as long as may be necessary under the supervision of the Commissioner of the General Land Office or his representative. No lot will be sold for less than the appraised price. The lots will be offered for sale for cash and must be paid for on the date of sale.

4. Manner of Sale. Bids may be made either in person or by agent but not by mail or at any time or place other than the time and place at which the lots are offered for sale hereunder. Any person may purchase any number of lots for which he is the highest bidder. The bidders will be required to show that they are citizens of the United States or have declared their intention to become such. If bids are made by a corporation evidence must be furnished, including a certified copy of its articles of incorporation showing that it is a corporation organized under the laws of the United States or of any state, territory or possession thereof and that it is authorized to acquire and hold real estate in the State of California. If any successful bidder fails to make the payment required on the date of sale, the lot awarded to him shall again be offered for sale.

5. Preemption Claims. Any person who has established settlement on any lot prior to the effective date of these regulations and maintained such settlement to the date of proof, is entitled to make a preemption entry at the minimum

price for such lot and one other lot on which he has made substantial and permanent improvements. A preemption claim is not necessarily forfeited by the settler transferring his interest to another subsequent to accrual of the right, but patent, if issued, will be in the name of the settler and not to the transferee.

The notice of intention to make preemption proof must be made on Form 4-348, and should give the date of settlement and the value and character of the improvements. Claimants must file their notices of intention by March 1, 1943, in order that publication may be made and proof submitted prior to the date of public sale.

On the filing by the applicant of the notice of intention to make proof, the register will issue notice for publication which the applicant must have published at his expense in the Printer-Review, a weekly newspaper, published at Barstow, California, in four consecutive issues, prior to the date set for the proof. Proof consisting of the affidavit of the applicant and of at least two of the advertised witnesses may be made before the register of the district land office, at Sacramento, California, or before any other officer authorized to take proofs under the homestead laws, and must show claimant's age, his citizenship and his actual residence upon one lot, and substantial improvements on a second lot where two lots are included in the application. Proof of publication must be shown by the affidavit of the publisher. The purchase price of the lot or lots must be paid to the register when the proof is made.

6. Removal of Improvements. Owners of buildings who do not purchase the lots on which the buildings are located will be allowed six months from date of sale in which to remove their improvements.

7. Warning. All persons are warned against forming any combination or agreement which will prevent any lots from selling advantageously, or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under Section 59 of the Criminal Code (U.S.C., Title 18, Section 113).

8. Authority of officer in charge. The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and at any time to suspend, adjourn or postpone the sale of any lot or lots. If all the lots are not sold, the sale will not be closed but will be indefinitely postponed.

(Sgd) Fred W. Johnson,

Commissioner

Approved: January 8, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

SCHEDULE OF APPRAISEMENTS

Valuation of lots and blocks in the town site of Argus, California.

Block	Lot	Area	Appraised Valuation
1	1	7018 sq. ft.	$40.00
	2	7000 " "	35.00
	3	" " "	35.00
	4	" " "	35.00
	5	" " "	35.00
	6	" " "	40.00
	7	" " "	40.00
	8	" " "	35.00
	9	" " "	35.00
	10	" " "	35.00
	11	" " "	35.00
	12	7043 " "	37.50
2	1	7080 " "	37.50
	2	7000 " "	35.00
	3	" " "	35.00
	4	" " "	35.00
	5	" " "	35.00
	6	" " "	40.00
	7	" " "	40.00
	8	" " "	35.00
	9	" " "	35.00
	10	" " "	35.00
	11	" " "	35.00
	12	7105 " "	37.50
3	1	7141 " "	35.00
	2	7000 " "	32.50
	3	" " "	32.50
	4	" " "	32.50
	5	" " "	32.50
	6	" " "	37.50
	7	" " "	37.50
	8	" " "	32.50
	9	" " "	32.50
	10	" " "	32.50
	11	" " "	32.50
	12	7167 " "	35.00
4	1	7203 " "	35.00
	2	7000 " "	32.50
	3	" " "	32.50
	4	" " "	32.50
	5	" " "	32.50
	6	" " "	37.50

Block	Lot	Area	Appraised Valuation
4	7	7000 sq. ft.	$37.50
	8	" " "	32.50
	9	" " "	32.50
	10	" " "	32.50
	11	" " "	32.50
	12	7228 " "	35.00
5	1	7265 " "	25.00
	2	7000 " "	22.50
	3	" " "	22.50
	4	" " "	22.50
	5	" " "	22.50
	6	" " "	25.00
10	1	" " "	37.50
	2	" " "	32.50
	3	" " "	32.50
	4	" " "	32.50
	5	" " "	35.00
	6	" " "	37.50
	7	" " "	35.00
	8	" " "	32.50
	9	" " "	30.00
	10	" " "	30.00
	11	" " "	30.00
	12	" " "	32.50
11	1	" " "	40.00
	2	" " "	35.00
	3	" " "	35.00
	4	" " "	35.00
	5	" " "	37.50
	6	" " "	42.50
	7	" " "	37.50
	8	" " "	35.00
	9	" " "	32.50
	10	" " "	32.50
	11	" " "	32.50
	12	" " "	37.50
12	1	" " "	37.50
	2	" " "	35.00
	3	" " "	35.00
	4	" " "	35.00
	5	" " "	35.00
	6	" " "	40.00
	7	" " "	40.00
	8	" " "	35.00
	9	" " "	35.00
	10	" " "	35.00
	11	" " "	35.00

Block	Lot	Area	Appraised Valuation
12	12	7000 sq. ft.	$37.50
13	1	" " "	40.00
	2	" " "	35.00
	3	" " "	35.00
	4	" " "	35.00
	5	" " "	37.50
	6	" " "	42.50
	7	" " "	40.00
	8	" " "	37.50
	9	" " "	35.00
	10	" " "	35.00
	11	" " "	35.00
	12	" " "	40.00
14	1	" " "	40.00
	2	" " "	37.50
	3	" " "	35.00
	4	" " "	35.00
	5	" " "	37.50
	6	" " "	42.50
	7	" " "	40.00
	8	" " "	37.50
	9	" " "	35.00
	10	" " "	35.00
	11	" " "	35.00
	12	" " "	40.00
15	1	" " "	42.50
	2	" " "	40.00
	3	" " "	35.00
	4	" " "	35.00
	5	" " "	40.00
	6	6859 " "	42.50
	7	7000 " "	42.50
	8	" " "	40.00
	9	" " "	35.00
	10	" " "	35.00
	11	" " "	37.50
	12	" " "	40.00
16	1	" " "	42.50
	2	" " "	37.50
	3	" " "	35.00
	4	" " "	35.00
	5	" " "	37.50
	6	" " "	42.50
	7	" " "	40.00
	8	" " "	35.00
	9	" " "	35.00
	10	" " "	35.00

Block	Lot	Area	Appraised Valuation
16	11	7000 sq. ft.	$35.00
	12	" " "	40.00
17	1	" " "	42.50
	2	" " "	40.00
	3	" " "	40.00
	4	" " "	40.00
	5	" " "	40.00
	6	" " "	42.50
	7	" " "	42.50
	8	" " "	40.00
	9	" " "	40.00
	10	" " "	40.00
	11	" " "	40.00
	12	" " "	42.50
18	1	" " "	42.50
	2	" " "	40.00
	3	" " "	40.00
	4	" " "	40.00
	5	" " "	40.00
	6	" " "	42.50
	7	" " "	40.00
	8	" " "	40.00
	9	" " "	40.00
	10	" " "	40.00
	11	" " "	40.00
	12	" " "	42.50
19	1	" " "	42.50
	2	" " "	40.00
	3	" " "	40.00
	4	" " "	40.00
	5	" " "	40.00
	6	" " "	42.50
	7	" " "	42.50
	8	" " "	40.00
	9	" " "	37.50
	10	" " "	37.50
	11	" " "	37.50
	12	" " "	40.00
20	1	" " "	40.00
	2	" " "	37.50
	3	" " "	37.50
	4	" " "	37.50
	5	" " "	37.50
	6	" " "	40.00
	7	" " "	20.00
	8	" " "	20.00
	9	" " "	20.00

Block	Lot	Area	Appraised Valuation
26	9	7000 sq. ft.	$42.50
	10	" " "	42.50
	11	" " "	42.50
	12	" " "	45.00
27	1	4008 " "	35.00
	2	4895 " "	40.00
	3	6822 " "	40.00
	4	7122 " "	40.00
	5	7076 " "	40.00
	6	7083 " "	45.00
	7	7144 " "	45.00
	8	7151 " "	50.00
	9	11666 " "	60.00
	10	4060 " "	30.00
	11	5689 " "	40.00
	12	6998 " "	40.00
	13	7000 " "	40.00
	14	7000 " "	45.00
	15	9560 " "	30.00
28	1	9494 " "	45.00
	2	7942 " "	37.50
	3	10041 " "	47.50
	4	9816 " "	45.00
	5	10265 " "	47.50
	6	9730 " "	45.00
	7	10012 " "	47.50
	8	10030 " "	55.00
30	1	5025 " "	55.00
	2	5022 " "	55.00
	3	3427 " "	55.00
31	1	7000 " "	65.00
	2	" " "	60.00
	3	" " "	60.00
	4	" " "	65.00
	5	" " "	75.00
	6	6944 " "	100.00
	7	7000 " "	70.00
	8	" " "	60.00
	9	" " "	60.00
	10	" " "	55.00
	11	" " "	55.00
	12	" " "	60.00
32	1	" " "	60.00
	2	" " "	50.00
	3	" " "	45.00
	4	" " "	45.00
	5	" " "	50.00

Block	Lot	Area	Appraised Valuation
20	10	7000 sq. ft.	$20.00
	11	" " "	20.00
	12	" " "	20.00
23	1	" " "	40.00
	2	" " "	40.00
	3	" " "	40.00
	4	" " "	40.00
	5	" " "	40.00
	6	" " "	42.50
	7	" " "	37.50
	8	" " "	35.00
	9	" " "	35.00
	10	" " "	35.00
	11	" " "	35.00
	12	" " "	35.00
24	1	" " "	42.50
	2	" " "	40.00
	3	" " "	40.00
	4	" " "	40.00
	5	" " "	40.00
	6	" " "	45.00
	7	" " "	42.50
	8	" " "	40.00
	9	" " "	40.00
	10	" " "	40.00
	11	" " "	40.00
	12	" " "	42.50
25	1	" " "	45.00
	2	" " "	42.50
	3	" " "	42.50
	4	" " "	42.50
	5	" " "	45.00
	6	" " "	47.50
	7	" " "	45.00
	8	" " "	42.50
	9	" " "	42.50
	10	" " "	42.50
	11	" " "	42.50
	12	" " "	45.00
26	1	" " "	45.00
	2	" " "	42.50
	3	" " "	37.50
	4	" " "	37.50
	5	" " "	42.50
	6	" " "	47.50
	7	" " "	42.50
	8	" " "	42.50

Block	Lot	Area	Appraised Valuation
32	6	7000 sq. ft.	$60.00
	7	" " "	50.00
	8	" " "	50.00
	9	" " "	50.00
	10	" " "	50.00
	11	" " "	50.00
	12	" " "	55.00
33	1	" " "	50.00
	2	" " "	45.00
	3	" " "	45.00
	4	" " "	45.00
	5	" " "	45.00
	6	" " "	50.00
	7	" " "	45.00
	8	" " "	40.00
	9	" " "	40.00
	10	" " "	40.00
	11	" " "	40.00
	12	" " "	45.00
34	1	" " "	40.00
	2	" " "	37.50
	3	" " "	37.50
	4	" " "	37.50
	5	" " "	37.50
	6	" " "	42.50
	7	" " "	37.50
	8	" " "	35.00
	9	" " "	35.00
	10	" " "	35.00
	11	" " "	35.00
	12	" " "	37.50
35	1	" " "	20.00
	2	" " "	20.00
	3	" " "	20.00
	4	" " "	20.00
	5	" " "	20.00
	6	" " "	20.00
	7	6071 " "	15.00
	8	6075 " "	15.00
	9	6074 " "	15.00
	10	6075 " "	15.00
	11	6077 " "	15.00
	12	6078 " "	15.00
36	1	7000 " "	25.00
	2	" " "	22.50
	3	" " "	22.50
	4	" " "	22.50

Block	Lot	Area	Appraised Valuation
36	5	7000 sq. ft.	$22.50
	6	" " "	25.00
	7	6061 " "	22.50
	8	6062 " "	20.00
	9	6064 " "	20.00
	10	6065 " "	20.00
	11	6066 " "	20.00
	12	6068 " "	22.50
37	1	7000 " "	40.00
	2	" " "	35.00
	3	" " "	35.00
	4	" " "	35.00
	5	" " "	35.00
	6	" " "	37.50
	7	" " "	32.50
	8	" " "	30.00
	9	" " "	30.00
	10	" " "	30.00
	11	" " "	30.00
	12	" " "	35.00
38	1	" " "	45.00
	2	" " "	40.00
	3	" " "	40.00
	4	" " "	40.00
	5	" " "	40.00
	6	" " "	45.00
	7	" " "	40.00
	8	" " "	37.50
	9	" " "	37.50
	10	" " "	37.50
	11	" " "	37.50
	12	" " "	40.00
39	1	" " "	65.00
	2	" " "	60.00
	3	" " "	55.00
	4	" " "	60.00
	5	" " "	65.00
	6	" " "	70.00
	7	" " "	55.00
	8	" " "	50.00
	9	" " "	50.00
	10	" " "	50.00
	11	" " "	50.00
	12	" " "	55.00
40	1	8129 " "	200.00
	2	10228 " "	180.00
	3	9590 " "	175.00

Block	Lot	Area	Appraised Valuation
40	4	9464 sq. ft.	$175.00
	5	7394 " "	160.00
	6	4156 " "	150.00
41	1	11088 " "	110.00
	2	10991 " "	110.00
	3	11162 " "	120.00
	4	11274 " "	120.00
	5	10801 " "	150.00
	6	10555 " "	150.00
	7	10678 " "	150.00
	8	2616 " "	75.00
	9	8145 " "	100.00
	10	11876 " "	150.00
	11	11970 " "	150.00
	12	11007 " "	140.00
	13	16635 " "	175.00
	14	16787 " "	200.00
44	1	10850 " "	160.00
	2	11391 " "	150.00
	3	11852 " "	130.00
	4	11899 " "	110.00
	5	11945 " "	100.00
	6	11992 " "	100.00
	7	11761 " "	100.00
	8	8969 " "	110.00
45		3518 " "	200.00
46	1	7000 " "	70.00
	2	" " "	65.00
	3	" " "	60.00
	4	" " "	60.00
	5	" " "	55.00
	6	" " "	50.00
	7	6738 " "	55.00
	8	5548 " "	60.00
	9	6743 " "	55.00
	10	7000 " "	50.00
	11	" " "	50.00
	12	" " "	50.00
	13	" " "	55.00
	14	" " "	55.00
	15	" " "	55.00
	16	" " "	60.00
47	1	" " "	50.00
	2	" " "	45.00
	3	" " "	45.00
	4	" " "	45.00
	5	" " "	40.00

Block	Lot	Area	Appraised Valuation
47	6	7000 sq. ft.	$40.00
	7	" " "	40.00
	8	6694 " "	45.00
	9	6658 " "	40.00
	10	7000 " "	35.00
	11	" " "	35.00
	12	" " "	35.00
	13	" " "	40.00
	14	" " "	40.00
	15	" " "	40.00
	16	" " "	45.00
48	1	" " "	40.00
	2	" " "	35.00
	3	" " "	35.00
	4	" " "	35.00
	5	" " "	35.00
	6	" " "	35.00
	7	" " "	35.00
	8	6609 " "	37.50
	9	6574 " "	32.50
	10	7000 " "	30.00
	11	" " "	30.00
	12	" " "	30.00
	13	" " "	30.00
	14	" " "	30.00
	15	" " "	30.00
	16	" " "	35.00
49	1	" " "	25.00
	2	" " "	22.50
	3	" " "	22.50
	4	" " "	22.50
	5	" " "	22.50
	6	" " "	22.50
	7	" " "	22.50
	8	6524 " "	25.00
	9	5607 " "	22.50
	10	6048 " "	20.00
	11	6050 " "	20.00
	12	6051 " "	20.00
	13	6053 " "	20.00
	14	6054 " "	20.00
	15	6056 " "	20.00
	16	6057 " "	22.50

Circular No. 1523

SHOWING REQUIRED IN PETITIONS FOR THE CLASSIFICATION UNDER SECTION 7 OF THE TAYLOR GRAZING ACT OF LANDS SUBJECT TO THE MINERAL LEASING LAWS

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Paragraph 3 of Circular 1353b of June 29, 1937 (56 I.D. 467) and Section 296.4 of Title 43 of the Code of Federal Regulations based thereon are hereby amended by inserting immediately before the last sentence thereof the following:

If the land or any part of it is withdrawn or classified or is valuable for deposits of coal, oil, gas, potash, phosphate, sodium, oil shale or (in Louisiana and New Mexico) sulphur, the petition for classification must show:

(a) Whether the purpose for which the title is sought is necessary and in the interest of the public;

(b) Whether the applicant lawfully could devote the land to the proposed use without obtaining title; and

(c) Whether the applicant reasonably could obtain other land, either public or privately owned, which could serve the purpose desired substantially as well as the land applied for.

(Sgd) Fred W. Johnson,

Commissioner.

I concur: January 1, 1943

(Sgd) W. C. Mendenhall,

Director, Geological Survey.

Approved: January 14, 1943

(Sgd) Harold L. Ickes,

Secretary of the Interior.

This regulation is issued under the authority contained in sec. 2, 48 Stat. 1270; 43 U.S.C. 315a.

3. EXECUTION AND FILING OF PETITIONS FOR CLASSIFICATION. The petition for classification and opening to entry, selection or location, must set forth all material matter whereby it may be determined whether the lands sought are more valuable or suitable for the production of agricultural crops than for the production of native grasses and forage plants, or more valuable or suitable for any other use than for the use provided for under this Act, or proper for acquisition in satisfaction of any outstanding lieu, exchange or scrip rights or land grant, and proper for acquisition under the law as applied for. All applications for entry, selection or location must be accompanied by the applicant's petition for classification and opening to entry of the lands applied for in the form of an affidavit executed in duplicate and corroborated by at least two witnesses who are familiar with the character of the land. The original of the petition only need be sworn to. No blank forms of such affidavits or petitions are issued by this office, but for convenience in filing it is desired that they be prepared on sheets not over 8½ x 11 inches in size. The petition should set forth in detail the character of each subdivision included in the application to make entry. Petitions which are defective will be returned to the applicant for correction, or he may be required to furnish supplemental evidence concerning matters not discussed or which have not been described in sufficient detail. The petition should make full disclosures as to any water holes, springs or water supply developed or improved by the holder of any grazing permit or his predecessor in interest, or by any other person. If any part or parts of the land are irrigated, their location, area, source of water supply, and other pertinent facts should be stated. If any part or parts thereof are under constructed or proposed irrigation ditches or canals, the relation of the same and whether the land is irrigable therefrom should be explained. The relation of the tract to surface streams or springs rising on or flowing across them or in their vicinity should be indicated. If such sources of water supply are inadequate for the irrigation of the lands applied for, full particulars should be given. The location and depth of wells, elevation of water plane relative to the surface, and other pertinent facts which will disclose the quantity and quality of the water supply, obtainable from either ordinary or artesian wells on the land, should be given. If there are no wells thereon such information should be furnished as to any other wells in that vicinity, and the possibility of irrigating the tract involved from underground sources should be fully discussed. If any attempts have been made to irrigate and reclaim the tract, or if it has been included in a former desert-land entry, the reasons for lack of success should be stated. Care should be exercised in the preparation of the petition as inaccuracies and omissions will tend to retard action and may lead to rejection of the application.

4. ACTION ON APPLICATIONS AND PETITIONS FOR CLASSIFICATION IN HOMESTEAD CASES. In all cases of applications to make entries, selections, or locations of public lands accompanied by the petition for classification and opening of the land to entry, selection, or location, and necessary fees and commissions, such applications should be received, assigned a serial number, and noted upon your records, and if your records show no objections you will,

if the application is one for homestead entry, regardless of whether the land is within or without a grazing district, transmit the duplicate copy of the application for entry and petition for classification and opening to the Director, Division of Grazing, and the original papers will be sent to the General Land Office with your report of action taken. The Director, Division of Grazing, will make his reports and recommendations to the Commissioner of the General Land Office as to the character and classification of the lands involved; that is, whether they may be classified and opened to homestead entry without detriment to the beneficial use of the land by local interests, to the protection, orderly use and regulation of the public ranges, to the creation and maintenance of grazing districts or to the conservation and development of natural resources.

If the land applied for is inside of a grazing district, the Director, Division of Grazing, will include in his report a statement as to whether or not there are any allowed privileges in the form of licenses or permits to graze on specified lands in the form of allotments and, if so, will give the names and addresses of all citizens, groups, associations, or corporations entitled to exercise such exclusive grazing privileges. Where the licenses or permit is to graze in common with others, the Division of Grazing will report that fact.

If the report from the Division of Grazing indicates that there is no objection to the classification and opening of the land and that there are no grazing allotment licensees' or permittees' rights involved, the General Land Office, through the Division of Grazing, will recommend to the Secretary of the Interior that the lands be classified and opened to entry as applied for. If the recommendation is approved by the Secretary of the Interior, the General Land Office will fix a date for the opening of the land to entry, and on that date the petitioner's application for entry will be allowed, in the absence of record objections.

If the lands are within a grazing district and the Division of Grazing reports that there is no objection to the classification and opening of the lands, as applied for, and it appears that the rights of allotment licensees or permittees are involved, the General Land Office through its proper district land offices will cause proper notice to be given by registered mail of the contemplated classification and opening to entry to all allotment licensees or permittees entitled to exercise grazing privileges. Where the license or permit is to graze in common with others, notice will be given by publication in some newspaper of general circulation in the locality for the area affected. Such notice should allow a period of at least thirty days for the filing of objections to the proposed opening. If no objection be filed or if objection is made and found to be without merit, the classification and opening will be recommended by the General Land Office to the Secretary of the Interior, through the Division of Grazing and, upon approval thereof, a date will be fixed by the General Land Office for the opening of the land to entry. At least thirty days' notice shall be given by the Register to all allotment licensees or permittees that by that date their use of the land must be discontinued.

If the land involved is in a grazing lease, the General Land Office, through its proper district land office, will cause proper notice to be given to the lessee, by registered mail, of the contemplated classification and opening to entry. The lessee will be afforded due opportunity for the filing of protests, the same as is hereinabove provided for in the case of applications for lands in grazing districts. The procedure with respect to the opening of the lands to entry will also be the same as is hereinabove outlined.

5. ACTION ON APPLICATIONS AND PETITIONS FOR CLASSIFICATION, IN CASES NOT UNDER HOMESTEAD LAWS. Where the application for entry is not under the homestead laws, the Director, Division of Investigations will be requested to cause a field examination to be made and report thereof submitted to the Commissioner of the General Land Office as to whether any reason exists why such land should be retained in Federal ownership in aid of conservation and the development of the natural resources or whether it may be classified and opened to entry as requested, without detriment to the public interests. In addition, the report should give whatever information is required by the applicable laws and regulations.

If the land is inside of a grazing district, the Division of Grazing will be requested by the General Land Office to report as to whether there is any objection to the classification and opening of the land as applied for and whether or not there are any rights of allotment licensees or permittees involved and, if so, the said Division will include in its report the names and addresses of all such licensees or permittees. Where the license or permit is to graze in common with others, the Division of Grazing will report that fact. The General Land Office, through the proper district land office, will notify all such allotment licensees or permittees of the pending application. The procedure with respect to notice to allotment licensees, permittees and lessees and to the classification and opening of the lands to entry will be the same as in homestead cases.

6. ACTION ON APPLICATIONS, AFTER CLASSIFICATION OF LANDS. If the Secretary of the Interior approves the classification of the land as subject to disposal under the public land laws, the General Land Office will pass upon the qualifications of the applicant and determine whether he may be allowed to acquire title to the land under the application. If it should be determined that the land may not be disposed of under the law specified by the applicant, the application for entry, selection or location will be rejected and the applicant allowed thirty days from receipt of notice within which to file response to the notice of the report furnished him. At the applicant's option he may either appeal from the finding to the Secretary of the Interior, alleging errors of law, or he may present further showing as to the facts by affidavit, accompanied by such evidence as is desired tending to disprove the adverse conclusion reached. Such appeal or further showing will be forwarded by you to this office. If the evidence submitted warrants it, favorable action may be taken, but if the conclusion be still adverse, it will be

transmitted to the Secretary of the Interior with report. In cases where the applicant fails to furnish a showing or to appeal from the order of this office requiring him to furnish it within the thirty days allowed, or where the Secretary refuses to open the land to disposition, final action will be taken, and the case closed by this office. You will allow no such application until instructed to do so by this office.

7. RIGHTS SECURED BY FILING OF APPLICATION. The filing of an application for classification and opening of the land, accompanied by application to make entry, selection or location, does not give the applicant the right to occupy or settle upon the land applied for, but will segregate the lands applied for from other disposition under the public land laws, subject to prior valid adverse claim, except that at all times the mineral contents in the land shall be subject to prospecting, locating, developing, mining, entering, leasing or patenting under the provisions of the applicable laws. The applicant shall be entitled to the possession and use of the land only after his entry, selection or location has been allowed.

8. PREFERENCE RIGHTS AND RESTORATION OF LANDS TO ENTRY BY GENERAL PUBLIC. Lands classified as subject to homestead or desert-land entry, under Section 7 of the act of June 28, 1934, as amended, shall be opened to entry: FIRST, by the qualified applicant on whose application the lands were classified; and, SECOND, by qualified ex-service men of the war with Germany entitled to exercise preference rights conferred by Public Resolution No. 85, approved June 12, 1930 (46 Stat. 580), under the homestead or desert land laws; and, THIRD, by the general public. If entry, selection or location by the person, State or company upon whose application the lands were classified is allowed, other applications should be promptly rejected. Of the applicants for classification, only the one upon whose request the tract is classified secures the preference right. While the preference right period of ex-service men of the war with Germany begins ninety days prior to the date of the opening of the lands to homestead or desert land entry, filings may be presented during the twenty days preceding such preference right period; that is, from the 110th to the 90th day prior to the date of the opening, and such filings will be treated as simultaneously filed at 9 A.M. on the 90th day prior to the date of opening, in the manner provided by Circular No. 324, approved May 22, 1914 (43 L. D. 254). The filings of the successful ex-service applicant may, therefore, be allowed only in event the preference right application of the party responsible for the classification is not allowable on or after the date of the opening. Applications may be filed by the general public within twenty days prior to the date of opening, and treated as simultaneously filed at 9 A.M. on the date of the opening. Later applications should be received and suspended pending action on the prior application. If withdrawal of an application under Section 7 of the act of June 28, 1934, be filed, you will promptly notify this office thereof, inviting special attention to the pendency of the petition for classification and opening and you will close the case on your records.

9. GOVERNING LAWS, TO EARN TITLE. Upon allowance of an application to make entry, location or selection under this act, all the laws and regulations governing the particular kind of entry, location or selection applied for must be complied with in order to earn title to the land sought.

10. GOVERNING REGULATIONS IN CASES OF CONFLICTS WITH PRIOR MINERAL APPLICATIONS. In all proper cases of applications to make nonmineral entries or selections of public lands, filed subsequent to applications for mineral prospecting permits or leases, the instructions in Circulars Nos. 1021 (51 L. D. 167), 1031 (51 L. D. 202), and 1136 (52 L. D. 241), must be observed.

11. PRIOR INSTRUCTIONS SUPERSEDED. These instructions supersede those of May 16, 1935 (55 I. D. 257), and the further revision approved October 26, 1936.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

I concur:

(Sgd) F. R. Carpenter,

Director, Division of Grazing.

I concur:

(Sgd) R. R. Smith,

Director, Division of Investigations.

Approved: June 29, 1937.

(Sgd) T. A. Walters,

First Assistant Secretary.

Part 296 revised by Circ. 1718

12069

Circular No. 1523

SHOWING REQUIRED IN PETITIONS FOR THE CLASSIFICATION UNDER SECTION 7 OF THE TAYLOR GRAZING ACT OF LANDS SUBJECT TO THE MINERAL LEASING LAWS

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Paragraph 3 of Circular 1353b of June 29, 1937 (56 I.D. 467) and Section 296.4 of Title 43 of the Code of Federal Regulations based thereon are hereby amended by inserting immediately before the last sentence thereof the following:

If the land or any part of it is withdrawn or classified or is valuable for deposits of coal, oil, gas, potash, phosphate, sodium, oil shale or (in Louisiana and New Mexico) sulphur, the petition for classification must show:

(a) Whether the purpose for which the title is sought is necessary and in the interest of the public;

(b) Whether the applicant lawfully could devote the land to the proposed use without obtaining title; and

(c) Whether the applicant reasonably could obtain other land, either public or privately owned, which could serve the purpose desired substantially as well as the land applied for.

(Sgd) Fred W. Johnson,

Commissioner.

I concur: January 1, 1943

(Sgd) W. C. Mendenhall,

Director, Geological Survey.

Approved: January 14, 1943

(Sgd) Harold L. Ickes,

Secretary of the Interior.

This regulation is issued under the authority contained in sec. 2, 48 Stat. 1270; 43 U.S.C. 315a.

11981

Circular No. 1524

AMENDING REGULATIONS GOVERNING PUBLIC SALES
BIDS SENT BY MAIL

Part 250. Revised by Circ. 1666.

Circ. 1666 replaced by Circ. 1860

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

The regulations governing public sales (43 CFR, Part 250) are hereby amended so as to incorporate provisions relating to bids sent by mail, as follows:

250.10 The sale. The land will be offered for sale at public auction, at not less than its appraised value, at the time and place fixed in the public notice.

Bids may be made by the principal or his agent, either personally at the sale or by mail.

Bids sent by mail will be considered only if received at the district land office prior to the hour fixed for the sale. These bids must be enclosed in sealed envelopes and must be accompanied by certified checks or post office money orders for the amounts of the bids. The envelopes must be marked in the lower left-hand corner substantially as follows: "Public sale bid, Serial No._____, Sale______19__." The envelopes containing the sealed bids will not be opened by the Register until the time fixed for the sale.

The Register will commence the sale by reading the public announcement thereof and by opening the sealed bids and announcing such bids. He will then receive bids from the persons present and at the conclusion of the auction will announce the name of the highest bidder.

The Register will keep a record showing the names of the bidders and the amount bid by each and whether the bid was made by the principal or his agent, personally at the sale or by mail. Such record will be transmitted to the General Land Office with the other papers in the case.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: January 20, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

These regulations are issued under the authority contained in R.S. 453, 248; 43 U.S.C. 2, 1201.

16286

Circular No. 1525

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Part 255.1 - 255.25
superseded by Circ. 1742

Replaced by #2016

- - -

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 255 - TOWN SITES

- - - -

(Reprint, with amendments, April 3, 1943)

16286

UNITED STATES DEPARTMENT OF THE INTERIOR

Harold L. Ickes, Secretary

- - - - - -

GENERAL LAND OFFICE

April 3, 1943.

FOREWORD

This pamphlet contains the codification of the rules and regulations assigned to Part 255, Title 43, of the Code of Federal Regulations, with amendments. The regulations were codified and published pursuant to Section 11 of the Federal Register Act as amended (50 Stat. 304; 44 U.S.C. sec. 311).

Part 255 contains the regulations relating to town sites.

The Federal Register Act makes the documents which were codified and published pursuant thereto prima-facie evidence of the text of such documents and of the fact that they are in full force and effect on and after the date of publication.

For the text of regulations issued after the date hereof, the daily issues of the Federal Register and pamphlet copies of the regulations issued by the General Land Office should be consulted.

Fred W. Johnson
Commissioner.

TABLE OF CONTENTS

PART 255 - TOWN SITES

TOWN SITES RESERVED BY THE PRESIDENT.

Sec.

255.1 Statutory authority
255.2 Survey of reserved land into blocks and lots; appraisal thereof.
255.3 Schedule of appraisement; disposal of copies thereof.
255.4 Sale to be given publicity.
255.5 Time, place and terms of sale.
255.6 No purchase limitation; manner of making bids.
255.7 Penalty for combinations in restraint of the sale.
255.8 Cash and memorandum certificates.
255.9 Reoffering at public sale; private entry.

TOWN SITES PLATTED BY OR FOR OCCUPANTS.

255.10 Statutory authority
255.11 Filing with county recorder of plat, field notes, and statement of improvements.
255.12 Filing in district land office, in duplicate, of transcript of plat, field notes, and statement.
255.13 Notice of filing of plat and statement; proof by lot occupants.
255.14 Adjustment of town site survey to township survey

Sec.

255.15 Survey by Department of the Interior; increase in price of lots.
255.16 Minimum price of lots.
255.17 Preemption claims, publishing and posting of proof notice.
255.18 Preemption proof.
255.19 Hearings.
255.20 Conflicting mineral claims.
255.21 Lots wholly or partly covered by mineral patents.
255.22 Prior use and occupation of land as mill site.
255.23 Railroad rights of way.
255.24 Forfeiture of preemption right.
255.25 Conduct of sale; minimum sale price; private entry.

TOWN SITES ENTERED BY TRUSTEES

255.26 Statutory authority.
255.27 Who may make town site entry.
255.28 Entry must be made in trust.
255.29 Execution of trust.
255.30 Area that may be entered.
255.31 Entry of unsurveyed land; special survey therefor.
255.32 Declaratory statements.
255.33 Proof; posting and publication of proof notice
255.34 Area enterable.

PART 255 - TOWN SITES (CONT'D)

Sec.

255.35 Conflicting mineral claims.
255.36 Government reservations not subject to entry
255.37 Prior use and occupation of land as mill site.
255.38 Railroad rights of way.
255.39 Change in method of entering town site.
255.40 Additional entries of contiguous tracts.
255.41 Entry and payment.

TOWN SITES IN RECLAMATION PROJECTS.

255.42 Withdrawal and survey of land.
255.43 Procedure governing appraisement and sale.
255.44 Installment payments.
255.45 Reappraisement and sale of unsold lots.
255.46 Additional town sites.
255.47 Public reserves; patents therefor.

GRANT OF LANDS IN RECLAMATION TOWN SITES FOR SCHOOL PURPOSES.

255.48 Application to be made by school district; action thereon.

PUBLIC RESERVES IN OKLAHOMA TOWN SITES.

Sec.

255.49 Application for patents on behalf of the municipalities.
255.50 Disposal of unpatented public reserves in vacated town sites.
255.51 Disposal of patented public reserves in vacated town sites.

TOWN SITES ON MINERAL LANDS.

255.52 Rights of mineral claimant, exclusion of mineral claim or mill site from town site entry.

RIGHTS OF TRANSFEREES OF TOWN LOTS.

255.53 Patent to issue in name of original purchaser.

QUALIFICATIONS OF TOWN LOT PURCHASERS.

255.54 Evidence of citizenship or incorporation required.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 255 - TOWN SITES

TOWN SITES RESERVED BY THE PRESIDENT

Sec. 255.1 Statutory authority. Under Section 2380 of the Revised Statutes (43 U.S.C. sec. 711 public land may be reserved by the President for town site purposes on his own motion, or petitions may be addressed to him therefor, setting forth facts warranting his action under said section duly verified by the affidavit of one or more persons, such petitions to be filed with the President, the Department of the Interior, the General Land Office, or with the district land office for transmission to the General Land Office.

255.2 Survey of reserved land into blocks and lots; appraisal thereof. Town sites reserved under Section 2380, Revised Statutes (43 U.S.C. sec. 711) or under any other law directing their disposition under Section 2381, Revised Statutes (43 U.S.C. sec. 712) will be surveyed, when ordered by the Department, under the supervision of the General Land Office, into urban, or urban and suburban, lots and blocks, and thereafter the lots and blocks will be appraised by such disinterested person or persons as may be appointed by the Secretary of the Interior. They will examine each lot to be appraised and determine the fair and just cash value thereof. Improvements on such lots, if any, must not be considered in fixing such value. Lots or blocks reserved for public purposes will not be appraised.

255.3 Schedule of appraisement; disposal of copies thereof. The schedule of appraisement must be prepared in triplicate on forms furnished by the General Land Office, and the certificates at the end thereof must be signed by each appraiser, and on being so completed they must be immediately transmitted to said office, and when approved by the Secretary of the Interior one copy will be sent to the district land office. In the case of reclamation town sites, one copy of the schedule will be sent to the Commissioner of Reclamation.

255.4 Sale to be given publicity. Each sale will be given such publicity as may deemed proper in the particular case. Appropriate instructions in this connection will be given in the order for sale.

255.5 Time, place, and terms of sale. Special regulations will be issued in each case prescribing the time when, the place where, and the terms under which the lots will be offered.

255.6 No purchase limitation; manner of making bids. No restriction is made as to the number of lots one person may purchase. Bids and payments may be made through agents, but not by mail, or at any time or place other than that fixed in the notice of sale.

255.7 Penalty for combinations in restraint of the sale. All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale, and all persons so offending will be proscecuted under section 59 of the Criminal Code (Act of March 4, 1909, 35 Stat. 1099; 18 U.S.C. 113).

255.8 Cash and memorandum certificates. All lots purchased at the same time, for cash, in the same town site, and by the same person should be included in one certificate, in order to prevent unnecessary multiplicity of patents.

Where cash certificates can not immediately issue, because payment for the lots has not been made in full, and where the regulations authorize the issuance of nontransferable memorandum certificates, more than one lot should not be included in the same certificate.

255.9 Reoffering at public sale; private entry. In the absence of special instructions in a particular case, an offering at public sale may be adjourned or closed, in the discretion of the officer conducting the sale. If adjourned, the unsold lots will be held for future disposition at public sale. If closed, the unsold lots will become subject to private entry at the appraised price.

Lots sold at public sale and forfeited because of nonpayment of the purchase price, or for any other reason, will be held for further offering at public sale, unless reentry of the lots at private sale, at a designated price, is authorized by the regulations under which the lots are sold.

Lots sold at private sale should be accompanied by an application therefor, signed by the applicant.

TOWN SITES PLATTED BY OR FOR OCCUPANTS

255.10 Statutory authority. Sections 2382 to 2386, inclusive, of the Revised Statutes (43 U.S.C. 713-717), authorize the platting of town sites by or for the occupants and the disposal of such town sites.

255.11 Filing with county recorder of plat, field notes, and statement of improvements. The occupants, at their own expense, must cause a survey of the land into lots, blocks, streets, and alleys to be made, and the plat and field notes thereof to be filed with the recorder of the county in which the land is situated. The plat must show (a) that the land does not include an area in excess of 640 acres, unless the lots, buildings, and improvements cover a greater area, and then only to the extent so occupied and improved; (b) that the boundaries of the land are correctly shown and described thereon according to the lines of the public surveys, or if not so surveyed, then that the exterior lines of the town site survey are tied to a designated, permanent, and thoroughly indentified monument; (c) that the streets, squares, blocks, lots, and alleys, the dimensions of the same, with measurements, courses, and area of each municipal subdivision, and the name of the town are correctly delineated thereon; and (d) the exterior lines of all existing railroad rights of way and station grounds. The lots should not exceed 4,200 square feet, except in cases where the configuration necessitates a different area. The above required facts should be verified by the oath of the surveyor entered upon the margin of the plat.

A statement of the extent and general character of the improvements on the land must be filed with the plat and field notes, and such plat and statement must be verified by the oath of the party acting for and in behalf of the occupants of the land.

255.12 Filing in district land office, in duplicate, of transcript of plat, field notes, and statement. Within 1 month after filing such plat, field notes, and statement, a transcript thereof in duplicate, each duly verified by the certificate of the county recorder, and accompanied by the testimony of two witnesses that such town has been established in good faith, and showing the number of inhabitants thereof, and when it was so established, shall be filed with the register of the land district in which the town site is located, who will immediately transmit the same to the General Land Office for consideration, and upon the approval thereof one of said duplicate plats and statements will be returned to the register for his files.

255.13 Notice of filing of plat and statement; proof by lot occupants. On filing such plat and statement the register will prepare and conspicuously post in his office a notice to the effect that the official plat of such town site has been filed and that he is ready to receive applications by lot occupants to make proof for and purchase the lots occupied by them, respectively. The newspapers in the vicinity should be given copies of the notice as an item of news, and such other publicity should be given it as can be done without expense.

255.14 Adjustment of town site survey to township survey. When the town site is upon land over which the township surveys have not been extended, the district cadastral engineer will be notified of the town site survey and be furnished by the General Land Office with an outline plat showing the exterior lines thereof, with courses and distances, the date of the survey and the approval thereof, and thereafter when the township surveys have been extended over the land the exterior lines of the town site may be adjusted thereto where it can be done without impairing vested rights.

255.15 Survey by Department of the Interior; increase in price of lots. Refusal or failure to file such transcript, plat, field notes, and statement, with the testimony, as required, within 12 months from the establishment of a town on the public domain, will authorize the Secretary of the Interior to cause a survey and plat to be made thereof, the lots in which shall be disposed of at an increase of 50 per centum on the minimum price.

255.16 Minimum price of lots. The minimum price for all lots of 4,200 square feet or less is $10 per lot, except in cases where the Secretary of the Interior causes the survey into lots and blocks to be made by the Government, in which case the minimum price is $15 per lot for such lots. The minimum price for all lots in excess of 4,200 square feet will be computed by adding to said minimum price of $10 or $15, as the case may be, the sum of $4 for each additional 1,000 square feet or fractional part thereof in excess of 4,200 square feet, in the absence of special provisions in a particular case.

255.17 Preemption claims, publishing and posting of proof notices. A preemption right of purchase at the minimum price, at any time before the day fixed for the public sale, of not exceeding two lots, is accorded an actual resident, to secure which he must file in the district office his application therefor, and therein state the date of settlement, the value and character of his improvements thereon, that he is 21 years of age or over or the head of a family, and that he is a citizen of the United States or has declared his intention to become such. The notice of intention to make proof must be filed and the notice for publication must be issued, published, and posted at the applicant's expense as in ordinary cases and in manner and form and for the time as provided in the Act of March 3, 1879 (20 Sta. 472; 43 U.S.C. 251). The notice must be published once a week for 5 consecutive weeks, in accordance with sec. 106.18. 1/

Where a husband and wife are joint settlers, and the husband purchases two lots, as stated, the wife may also purchase an "additional lot" upon which she has placed substantial improvements.

255.18 Preemption proof. Preemption proof may be made before the register, or any officer duly authorized by law, and must show by record or documentary evidence where such evidence is usually required, and where not so required by the testimony of witnesses, (a) due publication of the register's notice; (b) the claimant's age; (c) his citizenship; and (d) his actual residence upon one lot and substantial improvements on the second lot, if two lots be included in the application. The proof must embrace the testimony of the applicant and of at least two of his advertised witnesses. The purchase price for the lot or lots must be paid when the proof is made. Entry of public lands under other laws, or in other town sites, or ownership of more than 320 acres, will not disqualify an applicant from making such entry. No entry can be made of an improved lot on which the claimant does not reside unless his residence lot is included in the same or a previous entry.

255.19 Hearings. Hearings will be ordered and conducted in accordance with the Rules of Practice, Part 221, where two or more adverse applications are filed for the same lot, or where a sufficient contest affidavit is filed against an application, on or before the day fixed for making proof, but no purchase money will be collected from the applicants until the final determination of the case, whereupon the successful applicant will be required to pay the purchase price within 30 days from notice thereof.

255.20 Conflicting mineral claims. Mineral surveys, locations, applications, and entries covering lots in such town sites will not prevent the entry of such lots hereunder and the issuance of patent thereon, but such mineral claims, if held under prior and valid mineral rights, are amply protected by the law from prejudice by the allowance of such town-lot entries and patents, and paramount patents may be issued thereafter to such mineral claimants.

255.21 Lots wholly or partly covered by mineral patents. Lots wholly covered by outstanding mineral patents are not subject to entry under the town site law, and applications therefor will be rejected. Lots partly covered by mineral patents may be entered at the price fixed for the whole lot, but the certificate and receipt must contain at the end of the description an exception clause as follows: "Excepting and excluding the portion of said lot (or lots) embraced in mineral patent (or patents) heretofore issued."

1/ This section requires that if the register designates a daily paper, the notice should be published in the Wednesday issue for 5 consecutive weeks; if weekly, in 5 consecutive issues, and if semiweekly, in either issue for 5 consecutive weeks.

255.22 Prior use and occupation of land as mill site. The continued use and occupation within a town site of a duly located mill site claim under section 2337, Revised Statutes (30 U.S.C. 42), from a time prior to a settlement and occupation thereon for town site purposes, will defeat the rights of the claimant under the town site laws to any part of the land within such mill site.

255.23 Railroad rights of way. Railroad rights of way and station grounds, when approved by the Department of the Interior, are subject to all valid rights existing at the date of filing the application for such rights of way or station grounds.

255.24 Forfeiture of preemption right. All right to preempt and purchase occupied and improved lots for which no entry has been allowed prior to or on the date fixed for the public sale will be forfeited unless a contest be pending thereon, and such lots will be offered for sale together with the unoccupied lots. When notified of the date fixed for the public sale, the register will refuse to receive or consider any such application for entry where due publication could not be had and proof made thereon prior to the date so fixed for the public sale.

255.25 Conduct of sale; minimum sale price; private entry. The public sale will be conducted in the form and manner provided for the sale of town lots under section 2381, of the Revised Statutes (43 U.S.C. 712), except that no lot shall be sold for less than the minimum price fixed therefor, and such lots as may not be so disposed of shall thereafter be liable to private entry at such minimum, or at such reasonable increase or diminution as the Secretary of the Interior may order from time to time after at least 3 months' notice.

TOWN SITES ENTERED BY TRUSTEES

255.26 Statutory authority. Public lands settled upon and occupied as a town site are thereby segregated from entry under the agricultural land laws, and may be entered under sections 2387 to 2389, Revised Statutes (43 U.S.C. 718-720), subject to the restrictions contained in sections 2386 and 2391 to 2393, inclusive, Revised Statutes (43 U.S.C. 717, 721-723).

255.27 Who may make town site entry. If the town is incorporated, the entry must be made by the corporate authorities or by the mayor or other principal officer authorized so to do by resolution or ordinance of the town board or city council. If the town is not incorporated, the entry must be made by the judge of the county court upon petition addressed to him therefor, signed by such number of actual occupants of lots therein as may be required by the laws of the State in which the town is situated. Private individuals, organizations, or corporations are not authorized to make such entries.

255.28 Entry must be made in trust. The entry must be made in trust (a) as to the occupied lots, for the several use and benefit of the occupants thereof according to their respective interests, and (b) as to the unoccupied lots, for the use and benefit of the municipality, the public, or the occupants collectively as a community. Such entries con not be made for the benefit of one individual, or organization, or corporation, but only for the benefit of the actual inhabitants and occupants of an established town. Prospective town sites can not be so entered.

255.29 Execution of trust. The execution of the trust as to the disposal of the lots and the proceeds of sales is to be conducted under regulations prescribed by the State laws. Acts of trustees not in accordance with such regulations are void.

255.30 Area that may be entered. The amount of land that may be entered under sections 2387 to 2389 inclusive of the Revised Statutes (43 U.S.C. 718-720) is proportionate to the number of inhabitants. One hundred and less than 200 inhabitants may enter not to exceed 320 acres; 200 and less than 1,000 inhabitants may enter not to exceed 640 acres; and where the inhabitants number 1,000 and over, an amount not to exceed 1,280 acres may be entered; and for each additional 1,000 inhabitants, not to exceed 5,000 in all, a further amount of 320 acres may be allowed. When the number of inhabitants of a town is less than 100 the town site shall be restricted to the land actually occupied for town purposes, by legal subdivisions.

255.31 Entry of unsurveyed land; special survey therefor. Unsurveyed public land upon which a town has been established may be entered under sections 2387 to 2389, inclusive, of the Revised Statutes (43 U.S.C. 718-720). In such case a special survey should be procured by application to the district cadastral engineer therefor, the cost of which survey will be paid out of the general appropriations for public surveys. When the plat of such survey is filed in the district office, application may be made to enter the land described therein.

255.32 Declaratory statements. Declaratory statements may be filed as the initiatory step for the entry of the land in all cases where the occupants are not ready to apply for entry, and should be so filed in order to protect their rights. The statement should be signed and filed by the officer entitled to make entry under the law, and should show the number of inhabitants, that the land is occupied for trade, business, and other town site purposes, and the date when first so occupied, and declare the purpose of the occupants to enter it under the town site laws. It should include only such lands as the town is entitled to enter by Government subdivisions where surveyed, and if not surveyed the land should be described so it may be easily identified.

255.33 Proof; posting and publication of proof notice. The notice of intention to make proof must be filed and the notice for publication must be issued, published, and posted at the applicant's expense as in ordinary cases, and in manner and form and for the time provided in the Act of March 3, 1879 (20 Stat. 472; 43 U.S.C. 251). The notice must be published once a week for 5 consecutive weeks, in accordance with sec. 106.18.[2] The proof may be made before the register or any officer duly authorized by law, and must show by record or documentary evidence, where such evidence is usually required, and where not so required, by the testimony of at least two of the advertised witnesses, (a) due publication of the register's notice; (b) if an incorporated town, proof of incorporation, which should be a certified copy of the order of incorporation, or if by legislative enactment, a citation to such Act; (c) certified record evidence of the election, qualification, and the authority of the officer making entry; (d) the number of town site occupants and claimants on each occupied Government subdivision; (e) the number of inhabitants in the town site; (f) the character, extent, and value of town site improvements located on each Government subdivision; and (g) the date when the land was first used for town site purposes.

2/ This section requires that if the register designates a daily paper, the notice should be published in the Wednesday issue for 5 consecutive weeks; if weekly, in 5 consecutive issues, and if semiweekly, in either issue for 5 consecutive weeks.

255.34 Area enterable. Entry cannot be made hereunder of a greater quantity of land than 2,560 acres, unless the excess in area is actually settled upon, inhabited, improved, and used for business and municipal purposes.

255.35 Conflicting mineral claims. Under sections 2386 and 2392 of the Revised Statutes (43 U.S.C. 717, 722), and section 16 of the Act of March 3, 1891 (26 Stat. 1101; 43 U.S.C. 723), the title to lands acquired under sections 2387 to 2389, inclusive, of the Revised Statutes (43 U.S.C. 718-720) will be subject to all valid prior rights to unpatented mining claims or possessions held under existing law, and paramount patents may be issued thereafter to such mineral claimants, notwithstanding the prior town site patent.

All lands covered by patented mineral claims must be omitted from town site entries. Government subdivisions of land, made fractional by the omission of such patented claims, will be designated by lot numbers on segregation diagram prepared by the district cadastral engineer.

255.36 Government reservations not subject to entry. Reservations for the use of the United States Government are not subject to town site entry.

255.37 Prior use and occupation of land as mill site. The continued use and occupation within a town site of a duly located mill site claim under section 2337, Revised Statutes (30 U.S.C. 42), from a time prior to a settlement and occupation thereof for town site purposes, will defeat the rights of the claimant under the town site laws to any part of the land within such mill site.

255.38 Railroad rights of way. Railroad rights of way and station grounds, when approved by the Department of the Interior, are subject to all valid rights existing at the date of filing the application for such rights of way or station grounds.

255.39 Change in method of entering town site. Where proceedings have been had for the entry of lots undersections 2382 to 2386, inclusive, of the Revised Statutes (43 U.S.C. 713-717) but no patent has issued thereunder, the occupants may avail themselves, if the town authorities choose to do so, of the provisions of said sections 2387 to 2389 Revised Statutes (43 U.S.C. 718-720) and make proof and entry thereunder; provided, however, that in addition to the minimum price for the land applied for there shall be paid, before patent issues therefor, by the parties applying for such change of entry, all costs of surveying and plating such town site and expenses incident thereto incurred by the Government under the provisions of said sections 2382 to 2386. On application to the General Land Office the applicants will be informed of the amount of said expense to be paid in excess of the purchase price of the land, in order to effectuate such change of entry.

255.40 Additional entries of contiguous tracts. Where town site entry has been or may be made, under the provisions of sections 2387 to 2393 of the Revised Statutes (43 U.S.C. 718-723), additional entries may be made, under the provisions of section 4 of the Act approved March 3, 1877 (19 Stat. 392; 43 U.S.C. 727), of such contiguous tracts as may be occupied for town site purposes, but such additional entry shall not, together with all prior entries made for such town site, be in excess of the area to which the town may be entitled at date of the additional entry by virtue of its population as prescribed in section 2389, Revised Statutes, provided, however, that such area shall not exceed 2,560 acres. Such additional entries will be made in the same manner and under the same regulations as are provided for entries under said sections 2387 to 2393, inclusive.

255.41 Entry and payment. When town site proof has been submitted the register will, if he approves the same, forward it to the General Land Office with his recommendation thereon, without collecting the purchase money and without issuing the final papers. If the proof so submitted is found satisfactory the register will be notified thereof, and if no objections exist in his office he will notify the applicant thereof, and on payment of the minimum price fixed by the law for the purchase of the land he will issue the final papers.

TOWN SITES IN RECLAMATION PROJECTS

255.42 Withdrawal and survey of land. The Commissioner of Reclamation shall from time to time recommend to the Secretary of the Interior, through the Commissioner of the General Land Office, the withdrawal and reservation of such lands for town site purposes, under the Acts of April 16 and June 27, 1906 (34 Stat. 116, 519; 43 U.S.C. 434, 448, 561-563, 568, 594), as he may deem advisable. He shall, when in his judgment the public interests require it, from time to time, cause not less than a legal subdivision, according to the official township surveys, of the lands so reserved to be surveyed into town lots, with appropriate reservations for public purposes. The plats and field notes of such surveys shall be prepared in triplicate for each town site, and shall be submitted for the approval of the Commissioner of the General Land Office, who, after such approval, shall submit the original plat for the approval of the Secretary of the Interior.

255.43 Procedure governing appraisement and sale. The Commissioner of Reclamation shall from time to time recommend to the Secretary of the Interior the sale, the time and place of sale, the appraisement, the appraisers to be appointed, the officer to superintend the sale, and the compensation of the appraisers and superintendent, and the newspapers for the publication of the notice of sale, of such portions of the surveyed lots as in his judgment the public interest may then require to be appraised and sold. The recommendations shall be submitted through the Commissioner of the General Land Office for his concurrence or dissent. The Commissioner of the General Land Office shall prepare and submit to the Secretary of the Interior the details and appointments of the appraisers and the superintendent of sale in accordance with the approved recommendations, and when detailed or appointed he shall give them all necessary instructions; and he shall also prepare and transmit the notice of sale for publication. The report of the appraisers shall be transmitted to the Secretary of the Interior through the Commissioner of the General Land Office. The sale will be conducted in accordance with the general regulations under section 2381, Revised Statutes (43 U.S.C. 712) and subject to the special regulations herein prescribed in secs. 255.1-255.9.

255.44 Installment payments. Whenever the Secretary of the Interior, in the exercise of the discretion conferred upon him by section 2 of the Act of June 11, 1910 (36 Stat. 466; 43 U.S.C. 565), shall order the payment of the purchase price of lots, sold in town sites created under the laws in said Act mentioned, to be made in annual installments, the same will be done under such regulations as may be issued in each particular instance.

255.45 Reappraisement and sale of unsold lots. In all cases where the Secretary of the Interior shall direct the reappraisement of unsold lots under the first section of the said Act of June 11, 1910 (36 Stat. 465; 43 U.S.C. 564), the reappraisement will be conducted under the regulations provided for under the original appraisement of lots in town sites created under the laws in said Act mentioned. The lots to be reappraised will not, from the date of the order therefor, be subject to disposal until offered at public sale at the reappraised value, which offering will be conducted under the regulations providing for the public sale of lots in such town sites.

255.46 Additional town sites. The Commissioner of Reclamation from time to time in like manner may cause one or more additional legal subdivisions of the lands so reserved for town site purposes to be so surveyed into town lots, with appropriate reservations for public purposes; and he shall submit such further recommendations for appraisal and sale, in accordance with secs. 255.42-255.47, as he may deem necessary or advisable; and he may in like manner submit recommendations for the reappraisal and sale of lots previously offered for sale and remaining unsold, as authorized by Act of June 11, 1910 (36 Stat. 465; 43 U.S.C. 564, 565).

255.47 Public reserves; patents therefor. The public reservations in each town shall be improved and maintained by the town authorities at the expense of the town; and upon the organization thereof as a municipal corporation, said reservations shall be conveyed to such corporation in its corporate name, subject to the condition that they shall be used forever for public purposes. To secure such conveyances, the municipality shall apply through its proper officer for a patent to such reservations, and furnish proof in manner, form, and substance as required in sec. 255.49.

GRANT OF LANDS IN RECLAMATION TOWN SITES FOR SCHOOL PURPOSES

255.48 Application to be made by school district; action thereon. At any time after the approval of the survey of any Government reclamation town site and the subdivision thereof into town lots, with appropriate reservations for public purposes, a school district, in order to obtain title under the Act of October 31, 1919 (41 Stat. 326; 43 U.S.C. 570), should file, through its proper officers, its application for patent to the unreserved, unappropriated, undisposed of lands it may desire, not exceeding 6 acres in area, therein specifically describing the same by lot and block numbers, as delineated and designated on the approved town site plat; submit sufficient and satisfactory reasons showing that the area applied for is needed for its use; that the land is unappropriated and subject to disposition under the Act, in order that the Department of the Interior may be fully advised that there is no adverse claim for the land applied for; and therewith furnish the certificate of the superintendent of public instruction, or other officer performing such function, having jurisdiction over the county in which the town site is situate, showing that the district is a duly organized district under the laws of the State and entitled to hold real estate in its corporate name.

The applicant must also procure and file with the application, at the time of the filing of the same or as early as practicable after the filing of such application, a statement, by the official having charge of the project in which the land is located, showing that the disposal of the land applied for will not in any manner interfere with said project, such statement having been previously approved by the Commissioner of Reclamation.

There is no limit to the number of applications which may be filed by a qualified school district, the only limitation being that the total acreage which may be patented to such a district shall not exceed 6 acres in area within any Government reclamation town site situated within such school district. Whenever, therefore, more than one application is filed by the same applicant, such applicant should refer by serial number, to all previous applications filed by it.

The application and proof must be filed in the district land office wherein the land applied for is situate, and if the register thereof finds the same sufficient, and if the Bureau of Reclamation makes favorable report upon the said application, the register will issue certificate of entry, the same to provide that if any land so conveyed cease entirely to be used for school purposes title thereto shall revert to and revest in the United States.

PUBLIC RESERVES IN OKLAHOMA SITES

255.49 Application for patents on behalf of the municipalities. Applications for patents to the tracts reserved for public purposes, in all towns in Oklahoma created under section 22 of the Act of May 2, 1890 (26 Stat. 91; 43 U.S.C. 1094), or under any other Act where tracts have been reserved for such purposes under said section 22, may be filed on behalf of the municipalities whose corporate limits cover the land in which such reservations are situated. The application should be made by the mayor or other proper municipal officer and describe the reservations to be patented according to the approved plats of said town site, and the same should be accompanied with the proof of the municipal organization of the town, similar to that above provided for the disposition of the proceeds derived from the commutation of homestead entries for town site purposes under said section 22, and proof must also be filed therewith of the authority of the officer filing the application to make the same with the proper record evidence of his election and qualification as such officer. The application and proof must be filed in the General Land Office and if the same is found sufficient, the certificate of entry will issue in the form provided therefor.

255.50 Disposal of unpatented public reserves in vacated town sites. Under the Act approved May 11, 1896 (29 Stat. 116; 43 U.S.C. 1119), where a town site or an addition to a town site in a homestead commuted to a town site entry under the second proviso of section 22 of the Act approved May 2, 1890 (26 Stat. 91; 43 U.S.C. 1094), has been vacated under the laws of Oklahoma and patents for the public reservations therein have not been issued, such reservations will be disposed of in the following manner:

(a) Application for a patent to such reservations may be filed by the original entryman within 6 months from the vacation of the town site, and proof must be filed by him, with the General Land Office, of the due vacation of such town site in accordance with the requirements of the laws of Oklahoma, which proof must consist of a copy of the record evidence of such vacation, duly certified. Such proof must also be accompanied with evidence that the corporate authorities of the municipality, if one be organized, in which the reservations were situated prior to such vacation, have been personally served 30 days prior to making such proof with notice of the application and of the date the proof will be made. If the proof be found sufficient the entry will be allowed for the reservations as described in the town-site plat upon receipt of the payment of the homestead price. If the municipality is represented at the time of making proof, it may be heard in opposition to the application and decision be rendered thereon subject to appeal as in other cases.

(b) In case of the failure of the original entryman to apply for patent to such reservations within 6 months from the vacation of such town site, or in case such reserves have been patented to the municipality and it has ceased to exist by reason of such vacation, the reservations will be disposed of as isolated tracts under the provisions of section 2455, Revised Statutes (43 U.S.C. 1171), and the acts amendatory thereof, and the regulations issued thereunder.

255.51 Disposal of patented public reserves in vacated town sites. Reservations may be sold by an existing municipal corporation, upon the vacation of the town site, where patent has been issued to such municipality therefor, the proceeds of such sale to be covered into the school fund of such corporation. (City of Enid, 30 L.D. 352).

TOWN SITES ON MINERAL LANDS

255.52 Rights of mineral claimant; exclusion of mineral claim or mill site from town site entry. The general town site laws, comprised in sections 2380 to 2394, Revised Statutes (43 U.S.C. 711-724), authorize the entry of town sites, or the sale of lots therein, upon public lands which may include unpatented mineral claims, but the rights of mineral claimants upon any land entered or sold under said town site laws are expressly protected by sections 2386 and 2392, Revised Statutes (43 U.S.C. 717, 722). These two sections recognize the superior rights, as against any town site claimant--whether corporate, community, or individual--of all claimants for mineral veins possessed agreeably to local custom, or for any valid mining claim or possession held under existing law. The precedence and superiority so accorded to mineral claims, however, depend in final analysis upon the question of fact whether, at date of town site entry or lot sale, the lands claimed under the mining laws were "known to contain minerals of such extent and value as to justify expenditures for the purpose of extracting them" (39 L.D. 356). Where an affirmative showing in such behalf is made in due course by the mineral claimant, his right to a patent for the land (subject to the distinction hereinafter noted as to incorporated towns), will not be prejudiced by any previous town site entry, deed, or patent covering the same land (26 L.D. 144; 29 L.D. 426; 32 L.D. 211; 34 L.D. 276 and 596).

Under said general town site laws, as construed by the Department of the Interior and the courts, an entry including unpatented mineral lands may be made for an incorporated town as well as for an unincorporated town, the law requiring that in the former case the entry shall be made by the corporate authorities, and in the latter by the county judge (34 L.D. 24). While such general right of entry by or for incorporated towns and cities is therefore independent of anything contained in section 16 of the Act of March 3, 1891 (26 Stat. 1101; 43 U.S.C. 728), it will be seen that that section in terms announces the right to enter mineral lands. The protection afforded to mineral claims by the body of section 16 is similar to that given generally in said sections 2386 and 2392, Revised Statutes, but the proviso to section 16 is as follows:

> Provided, that no entry shall be made by such mineral-vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral-vein applicant.

The Department of the Interior has never viewed said proviso as warranting, under any circumstances, the allowance of entry for a mineral vein independently of "the surface ground appertaining thereto," nor is such an entry provided for in the general mining laws. But said proviso creates one distinction between unincorporated and incorporated towns as regards the relative rights of town site occupants and mineral claimants; which is, that whereas the town site patent will, in either case, carry absolute title to any mineral not known to exist at the date of town site entry, the adverse rights of mineral and town-lot claimants within incorporated towns are hinged upon priority of initiation. That is to say, that after entry is made for such town, no entry by a mineral-vein applicant will be allowed for any land owned and occupied under the town site law by a party whose possession antedated the inception of the mineral applicant's claim, even though such land was known, at date of the town site entry, to contain valuable minerals.

Subject to the distinction above noted, the foregoing principles apply to all mineral claims within town sites entered or disposed of under any of the laws above mentioned, and also to mineral claims within town sites disposable under special acts containing no reference to the rights of mining claimants.

The law does not require that town site entries shall exclude any mineral claim or possession except such as may have been patented (29 L.D. 21). Mineral claims which have not been patented may be excluded from a town site entry at the option of the town site applicant, who must, in that event, furnish satisfactory proof that the exclusion covers a "valid mining claim or possession held under existing law" (33 L.D. 542). The exclusion of a mill site claim from a town site entry is necessary only in cases where the mill site claimant shall have been in occupation of the ground, under regular location, from a time antedating its occupation for town site purposes. The issue of priority in such cases may be raised by the town site applicant, the mill site claimant, or the Government.

RIGHTS OF TRANSFEREES OF TOWN LOTS

255.53. Patent to issue in name of original purchaser. The purchaser of a town lot, which is sold on the installment plan, may transfer his equitable interest in the lot, prior to the payment of the last installment of the purchase price, but the Government will not recognize anyone but the original purchaser and will issue all necessary papers and also the patent in his name. By such course, the Government is relieved of all unnecessary responsibility and the patent, when issued, inures to the benefit of the transferee.

QUALIFICATIONS OF TOWN LOT PURCHASERS

255.54. Evidence of citizenship or incorporation required. Unless otherwise provided by law, every person purchasing a town lot at public or private sale, under any law governing the sale and disposal of town sites on the public domain, will be required to furnish evidence that he is a citizen of the United States or has declared his intention to become such and every corporation purchasing a town lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it is a corporation organized under the laws of the United States or of any state, territory or possession thereof and that it is authorized to acquire and hold real estate in the state in which the town site is situated. In view of the provisions of Sec. 2 of the Act of March 2, 1897 (29 Stat. 618; 8 U.S.C. 72), the foregoing requirement respecting the citizenship of individuals is not applicable to the Territory of Alaska.

Obsolete See Cir. 1872

Circular No. 1526

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 140—GENERAL REGULATIONS GOVERNING COLOR OF TITLE CLAIMS.

In order to require applications under the color of title regulations to be filed in duplicate, section 140.3 of Title 43 of the code of Federal Regulations and Paragraph 3 of Circular 1186, approved April 15, 1929 (52 L.D. 612), are hereby amended to read as follows:

140.3 Filing of application. Applications under the Act of December 22, 1928 must be filed in duplicate with the register of the district land office for the district in which the land thus applied for is situated; or, if there is no district land office in the State where the land is situated, with the Commissioner of the General Land Office, Washington, D. C. (R. S. 453, 2478; 43 U.S.C. 2, 1201).

(Sgd) Fred W. Johnson,
Commissioner.

Approved: April 6, 1943

(Sgd) Oscar L. Chapman,
Assistant Secretary.

119446

UNITED STATES
DEPARTMENT OF THE INTERIOR
Washington

October 29, 1940

ORDER NO. 1527

Beginning January 1, 1941, the following division of duties and responsibilities shall govern the General Land Office and the Geological Survey in the matter of payments due and collections thereof under the mineral leasing laws applicable to lands of the United States.

1. Geological Survey.--The Geological Survey, in accordance with the operating regulations, shall continue to determine payments due the United States on account of production, waste of production, or failure to produce, and to render statements thereof to the lessee and to the General Land Office, and shall be responsible for and, if necessary, shall defend statements so made. The Geological Survey, however, shall have no responsibility for determining payments, such as bonus or rental, that become due irrespective of producing operations and shall have no responsibility for collecting payments due and unpaid or for accepting, receiving, recording, or accounting for payments made. In case any payment is tendered to any employee of the Geological Survey he shall either return it to the sender or transmit it to the Register of the proper United States land office, whichever, in his opinion, will best serve the interests of the United States under the particular circumstances, but in no case shall he accept any such payment on behalf of the United States or issue receipt therefor. The Geological Survey, in its supervision of operations, shall assume that each lease account is in good standing as to payments due and made unless and until informed to the contrary by the General Land Office. On request, the Geological Survey shall act in an advisory capacity on all lease accounting matters.

2. General Land Office.--The General Land Office shall have full responsibility for all collections and the duty and responsibility of handling all lease-accounting matters not specifically assigned to the Geological Survey under paragraph 1 hereof. The General Land Office will send to the Geological Survey two carbon copies of all letters to lessees or operators demanding payment and, on specific request in any case, the General Land Office shall furnish the Geological Survey such information as it shall reasonably require on the status of lease accounts and other lease accounting matters.

Remittances in payment of royalties and rentals shall be made direct to the register for the land district in which the leased lands

are situated. Remittances for leased lands in States where there are no district land offices shall be made direct to the Commissioner of the General Land Office.

All remittances shall be made payable to the Treasurer of the United States and be accompanied by a letter of transmittal on General Land Office Form No. 4-974 or other appropriate form. The transmittal letter shall be in triplicate and be completely filled out and signed by the payer. Registers will retain one copy for their files and forward the original and one copy to the General Land Office.

The registers shall issue receipts, deposit and account for mineral royalties and rentals the same as other moneys received by them. They shall note on each letter of transmittal (Form 4-974) the number and date of the receipt issued for the remittance and forward the letter to the General Land Office not later than the day following its receipt. The General Land Office copies of the letters of transmittal will be forwarded semimonthly with the copies of the receipts.

Remittances in payment of mineral royalties and rentals made direct to the Commissioner of the General Land Office will be accounted for by the receiving clerk of that office.

Order No. 678 of September 12, 1933, is amended accordingly.

Section 191.7 of Title 43 of the Code of Federal Regulations will be amended to conform hereto, and appropriate amendment of other regulations will be made.

Acting Secretary of the Interior.

Circular No. 1527

REGULATIONS FOR THE SALE OF TOWN LOTS IN THE TOWN SITE OF NEWELL, SOUTH DAKOTA

- - - - - - - -

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1. Statutory Authority. Four lots not offered at a previous sale of lots in Newell Town Site, South Dakota, will be disposed of under the acts of April 16 and June 27, 1906 (34 Stat. 116, 519; 43 U.S.C. 561, 568).

2. Public Sale. On August 11, 1943, at 10 a. m., at the Belle Fourche Project Office at Newell, South Dakota, lots 5, 6, 7 and 8 of block 43, each lot with an area of 3,250 square feet, will be offered for sale at public auction to the highest bidder at not less than $35 per lot. F. C. Youngblutt has been designated as Superintendent of the sale, and N. J. Flint as Auctioneer.

3. Terms of Sale. Full payment for the lots must be made in cash on the date of the sale. The Superintendent of sale will forward the money received to the Register of the District Land Office at Pierre, South Dakota.

4. Authority of Superintendent. The superintendent conducting the sale is authorized to reject any and all bids for any lot, and to suspend, adjourn, or postpone the sale of any lot or lots to such time and place as he may deem proper. After all the lots have been offered, the superintendent will close the sale. Any lot or lots remaining unsold will be subject to private entry at the District Land Office at Pierre, South Dakota, for $35 per lot.

5. Warning. All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under Section 59 of the Criminal Code, U.S.C. Title 18, Section 113.

Fred W. Johnson,

Commissioner.

Approved: April 17, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

1528

18198

See Cir 1840

REGULATIONS RELATING TO

ROYALTIES ON NEW FIELDS OR DEPOSITS OF OIL OR GAS, DISCOVERED DURING PERIOD OF NATIONAL EMERGENCY UNDER ACT OF DECEMBER 24, 1942, PUBLIC LAW 832, 77th CONGRESS

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Sec. 192.56a. Statutory Authority. The Act of December 24, 1942, Public Law 832, 77th Congress, provides that during the period of the national emergency proclaimed by the President May 27, 1941 (Proclamation No. 2487, 55 Stat. 1647), where the Secretary of the Interior determines that a new oil or gas field or deposit has been discovered by viture of a well or wells drilled within the boundary of any lease issued under the provisions of the Act of February 25, 1920, as amended (30 U. S. C. 181-263), the royalty obligation to the United States of the lessee who drills such well or wells as to such new deposit shall be limited for 10 years following the date of such discovery to a flat rate of 12½ percent.

Sec. 192.56b. New oil and gas fields or deposits defined - leases affected. The benefits of the Act shall apply only to the lease upon which a discovery of a new field or deposit has been made except as otherwise herein provided.

The Act does not apply to discoveries made prior to its enactment or to discoveries on leases carrying a royalty of less than 12½ percent.

A discovery of oil or gas within the area of any geologic trap in which no discovery theretofore has been made shall be deemed to constitute the discovery of a new oil or gas field within the meaning of the Act.

Any sand or zone situated at a stratigraphic level higher or lower than the known productive sands within the area of any geologic trap shall be deemed upon discovery to be a new deposit within the meaning of the Act.

Sec. 192.56c. Unitized areas. Section 27 of the Act of February 25, 1920 (41 Stat. 437, 448), as amended by the Act of March 4, 1931 (46 Stat. 1523, 1525; 30 U. S. C. 184), authorizes the Secretary of the Interior, in his discretion, with the consent of the holders of leases involved in unit plans of development or operation to establish, alter, change, or revoke the drilling, producing, and royalty requirements of such leases as he may deem necessary or proper to secure the protection of the public interest.

In conformity with the intent of Congress to encourage the discovery of new reserves of oil and gas, the same benefits granted by the Act of December 24, 1942, shall be extended to all leases committed to and included in an approved unit agreement upon a determination by the Secretary of the Interior that a discovery has been made in a unitized sand or zone of a new oil or gas field or deposit anywhere within the unit area.

Sec. 192.56d. Computation of royalty.

(1) Production subject to Act. All production from a new oil or gas field or deposit which is produced from or allocated to a lease, shall be at a flat rate of 12½ per centum in amount or value of such production or allocation and shall be separately measured and accounted for.

(2) Production not subject to Act. The discovery of a new oil or gas field or deposit under this Act shall not affect the computation of royalty on production from deposits previously known to exist.

Sec. 192.56e. More than one discovery. The discovery of a new deposit of oil or gas in a well or wells held to be subject to the provisions of the Act shall not bar a lessee from claiming the discovery of another new deposit discovered at a later date within the boundaries of the lease.

Sec. 192.56f. Procedure after discovery. An application for royalty benefits under the Act by reason of any claimed discovery of a new oil or gas field or deposit shall be submitted in triplicate by the lessee or his authorized agent or operator. The original and one copy of the application shall be filed with the local land office for the district in which the land is located or in the General Land Office within 45 days after the discovery is made, and one copy shall be filed concurrently in the office of the appropriate Federal oil and gas supervisor.

The application shall identify the lessee and operator, the serial number of the lease, the exact location of the well or wells, the name of the productive sand or zone, the depth to the top of the productive formation, the amount of productive strata penetrated, and a complete itemized production statement by days, not exceeding 30, from the date of the discovery. If the discovery is made on unitized land, as provided herein, the application should identify all leases affected.

The claimant shall conduct such test and furnish such well data and geologic evidence as may be required by the Federal oil and gas supervisor.

The determination in any case as to whether a new field or deposit has been discovered and the effective date thereof will be made by the Secretary of the Interior after a report has been submitted by the Geological Survey.

Sec. 192.56g. Other applicable regulations. The oil and gas lease and operating regulations shall be applicable to all leases affected by these regulations so far as they are not inconsistent herewith.

Fred W. Johnson
Commissioner.

I concur:

Julian D. Sears
Acting Director, Geological Survey.

Approved: May 3, 1943.

Harold L. Ickes
Secretary of the Interior.

These regulations are issued under sec. 32, 41 Stat. 450; 30 U. S. C. 189.

19120

Circular No. 1529

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

–Obsolete – Part 185
See Circ. 1785

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

In order to show present procedure in connection with matters concerning surveys and resurveys, Chapter I of Title 43 of the Code of Federal Regulations is amended as follows:

PART 185 - GENERAL MINING REGULATIONS

Section 185.40 In the first sentence the words "photolithographic" and "upon drawing paper" are deleted. In the last sentence the word "on" after the word "retained," is changed to "in."

Section 185.42 The words, "it will be convenient to have this certificate indorsed by the office cadastral engineer, both upon the plat and field notes of survey filed by the claimant as aforesaid" are deleted.

PART 240 - PUBLIC LAND RECORDS

Part 240 Footnote 74. That part of the footnote under the heading, "LIST OF PUBLIC LAND STATE AND TERRITORIAL MAPS" is amended by omitting dates of publication and symbols and words indicating "new maps in course of preparation." After the list of maps, the words: "These maps are revised from time to time to show the progress of the public land surveys and reflect other changes which have occurred" are added. The cost of the large wall map of the United States is changed from "$2" to "$3.50."

PART 253 - PARKS AND CEMETERIES

Section 253.6 In the last sentence, the words "deputies employed" are deleted and the word "surveyor" is substituted therefor. - Obsolete - See Circ 1539

PART 281 - RESURVEYS

Section 281.8 In the last sentence, the words "the matter will then be laid before the Secretary of the Interior with a request for authority to proceed with the actual field work" are deleted and the words "it may, in the discretion of the Commissioner of the General Land Office, be authorized" are substituted therefor. The change in procedure was authorized by the Secretary of the Interior by Order No. 1799 of March 19, 1943. — Still in effect 5/28/54 R.B.

PART 297 - EXECUTIVE ORDERS

Section 297.3 Footnote 13 is amended by adding the words, "Due to the change in organization, plats of Alaska Railroad Town Sites are not approved by an official of The Alaska Railroad."

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 17, 1943.

(Sgd) OSCAR L. CHAPMAN,

Assistant Secretary.

19198

Obsolete
see circ 1765

Circular No. 1530

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - CHAPTER I - PUBLIC LANDS: INTERIOR

SUBCHAPTER I - HOMESTEADS---ADDITIONAL ENTRY BEFORE OR AFTER PROOF ON ORIGINAL CLAIM: SECTION 2, ACT OF APRIL 28, 1904

Section 166.84 of Title 43 is based on the regulation approved September 11, 1908 (37 L.D. 160). At the time the regulation was issued, residence for 5 years was required in order to complete homestead entry. The residence requirement was reduced to three years by the act of June 6, 1912 (37 Stat. 123; 43 U.S.C. 164). Accordingly, the last two sentences of the section are amended by striking therefrom the figure "5" wherever that figure is used, and substituting therefor the figure "3".

(Sgd) Fred W. Johnson,
Commissioner.

Approved: May 18, 1943

(Sgd) Oscar L. Chapman,
Assistant Secretary.

19314

Obsolete -
See Circ 1749

Circular No. 1531

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

Part 221 - RULES OF PRACTICE

Sections 221.48 and 221.79 of Part 221, also Rules 48 and 80 of the Rules of Practice (51 L. D., 556, 560), on which the sections are based, are hereby amended to read as follows:

221.48 Notice of appeal. Filing of briefs. Notice of appeal from the decision of the register shall be served upon the adverse party and filed with the register within 30 days after receipt of notice of the decision. Within 20 days after service of notice of appeal, the appellant may file a brief, a copy of which must be served upon the appellee. Within 20 days after such service the appellee may file his brief, a copy of which must be served upon the appellant. Briefs must be served upon the opposing party within the same period of time allowed for their filing with the register. When a motion for a new trial is made and denied, notice of an appeal shall be served within 15 days after the receipt of notice of the denial of the motion.

221.79 Filing of briefs. Within 20 days after service of the notice of appeal, the appellant may file a brief, a copy of which must be served upon the appellee. Within 20 days after such service, the appellee may file his brief, a copy of which must be served upon the appellant. Briefs must be served upon the opposing party within the same period of time allowed for their filing with the register.

(R. S. 453, 2478; 43 U. S. C. secs. 2, 1201).

Fred W. Johnson

Approved: May 18, 1943

Comissioner.

Oscar L. Chapman,
Assistant Secretary.

Circular No. 1532

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 182 - SOLDIERS' AND SAILORS' PREFERENCE RIGHTS

The preference rights of soldiers and sailors in connection with homestead and desert land entries were extended by Public Resolution No. 85, approved June 12, 1930 (46 Stat. 580; 43 U.S.C. 186), for a period of 10 years from February 14, 1930.

The 10-year period has expired and sections 182.1 to 182.13, inclusive, relating to such preference rights, are without present force and effect. These sections, therefore, are deleted from Title 43.

(Sgd) Fred W. Johnson,
Commissioner.

Approved: May 21, 1943.

(Sgd) Oscar L. Chapman,
Assistant Secretary.

19610

Circular No. 1533

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Obsolete - See Circ. 1845

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 147 - EXCHANGES BY STATES, UNDER TAYLOR GRAZING ACT.

In order to show changes in procedure, due to the establishment by the Secretary of the Interior by Order No. 1639 of January 17, 1942 of a Branch of Field Examination in the General Land Office, the regulations relating to exchanges by States, under the Taylor Grazing Act, contained in Part 147 of Title 43, as amended by Circular No. 1474 approved July 8, 1940, are further amended as follows.

Sec. 147.6 is amended by deleting from the first paragraph thereof the sentence "Should it appear necessary, an appropriate report will be requested from the Division of Investigations," and substituting therefor the sentence "Should it appear necessary a field examination will be authorized," also by deleting from the third paragraph thereof the words "to the General Land Office" and by deleting from the third and fourth paragraphs thereof the words "Director of Investigations," wherever they occur, and substituting therefor the words "regional field examiner".

Sec. 147.13 is amended by deleting from paragraph two thereof the words "or the report from the Director of Investigations," and by deleting from paragraph three the words "to the General Land Office, or the report of the Division of Investigations."

In order to show other present procedure, Sec. 147.8 is amended by adding in the third sentence the words "an acceptable policy of title insurance or" after the words "it will be necessary for the State to furnish."

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 21, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

21515

Still in effect 5/28/54 aB

Circular No. 1534

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 270 - STATE GRANTS FOR EDUCATIONAL, INSTITUTIONAL, AND PARK PURPOSES

In order to show present procedure, Part 270 of Title 43 and the regulations on which that part is based, are amended as follows:

The section head note for section 270.1 is amended to read: "Land subject to selection; petition for classification required". The section is amended by adding the sentence:

"An application for selection must be accompanied with a petition for classification of the land under Section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269) as amended by the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315 f), in the manner prescribed by 43 CFR Part 296."

Section 270.7 is amended by deleting from the first sentence the words, "within three months after the filing", and substituting therefor the words, "within 30 days after the allowance by the Register"; also by deleting from the last sentence the words, "special agent in charge", and subsituting therefor the words "regional field examiner", and by deleting the word "district" before the word "attorney",

The first two sentences of section 270.11 are amended to read:

"The proof of publication will be the affidavit of the publisher, or foreman of the newspaper employed, that the notice (a copy of which must be attached to the affidavit) was published in such newspaper for five successive weeks. If a daily paper is designated the notice should be published in the Wednesday issue for five consecutive weeks, if weekly, in five consecutive issues, and if semiweekly, in either issue for five consecutive weeks. Such affidavit must show that the notice was published in the regular and entire issue of the paper, and that the notice was published in the newspaper proper and not in a supplement."

In order to show the change in procedure authorized by the Secretary of the Interior by Order No. 1799 of March

19, 1943, relating to State indemnity selections under the Act of February 28, 1891 (26 Stat. 796; 43 U.S.C. sec. 851), and section 2449 Rev. Stat. (43 U.S.C. sec. 859), section 270.18 is amended by adding thereto the following paragraph:

"State indemnity selections, when satisfactorily completed in accordance with law and the governing regulations, will be embraced in clear lists for approval by the Commissioner of the General Land Office, and thereafter certified to the State."

In view of the Order No. 1799, a new paragraph is added as follows:

"Section 270.22a Appeals. A State aggrieved by any action of the Commissioner may appeal to the Secretary of the Interior, pursuant to the rules of practice. (43 CFR, Part 221)."

Section 270.28 is amended by deleting the word "heretofore" in the second paragraph, and substituting therefor the word "theretofore."

Section 270.33 is amended, in accordance with the above-mentioned Order No. 1799, by adding to the first paragraph thereof the following sentence:

"Orders authorizing the issuance of patents for school sections under the Act of June 21, 1934, will be signed by the Commissioner of the General Land Office."

Inasmuch as no further selection rights may be exercised by the State of California under the provisions of the two Acts of June 29, 1936 (49 Stat. 2026 and 2027), the five year period for filing selection applications under those Acts having expired, Part 270 is hereby amended by deleting therefrom sections 270.34 to 270.37 inclusive and sections 270.42 to 270.46 inclusive.

Section 270.38 is amended by deleting from the last paragraph thereof the words, "Division of Investigations" and substituting the words "regional field examiner."

Section 270.40 is amended by deleting the words "Division of Investigations" and substituting the words "regional field examiner."

Section 270.47 is amended by deleting from the second sentence of the last paragraph the words "Division of Investigations" and substituting the words "regional field examiner".

Section 270.49 is amended by deleting the words, "Division of Investigations" in the first and third paragraphs thereof and substituting therefor the words "regional field examiner".

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 26, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

21514

Circular No. 1535

Obsolete - See
Circ. 1843

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 232 - DESERT-LAND ENTRIES

In order to show the change in procedure, due to the establishment by the Secretary of the Interior by Order No. 1639 of January 17, 1942 of a Branch of Field Examination in the General Land Office, the regulations relating to desert-land entries, contained in Part 232 of Title 43, as amended by Circular No. 1474 approved July 8, 1940, are further amended as follows.

Sec. 232.7 is amended by deleting the words "Division of Investigations" and substituting therefor the words "Branch of Field Examination" and by deleting from the last sentence thereof the words "if any other report is required from that Division or other agency," and substituting therefor the words "If any other report is required***."

Sec. 232.15 is amended by deleting from the fourth, fifth and sixth paragraphs thereof the words "Division of Investigations" and the words "special agent in charge", wherever they occur, and substituting therefor the words "regional field examiner." This section is also amended by deleting from the second sentence of the fifth paragraph thereof the words "that division" and substituting therefor the words "the regional field examiner."

Sec. 232.23 is amended by deleting from the third sentence the words "special agent's" and from the fourth sentence the words "special agent in charge" and substituting therefor the words "field examiner's" and "regional field examiner," respectively.

Sec. 232.35 is amended by deleting from the second sentence of the first paragraph the word "agents" and substituting therefor the word "examiners," and by deleting from the first and fourth sentences of the second paragraph the words "special agent in charge" and substituting therefor the words "regional field examiner."

In sec. 232.39, the second sentences of the third and fourth paragraphs, and in sec. 232.42, the first sentence of the first paragraph, are amended by deleting the words "special agent in charge" and substituting therefor the words "regional field examiner."

Sec. 232.45 is amended by deleting from the second sentence of the third paragraph the words "special agent's" and substituting the words "field examiner's."

Sec. 232.59 is amended as follows: Paragraph five thereof is amended by deleting from the second sentence the words "special agent in charge, Division of Investigations" and substituting therefor the words "regional field examiner," and by deleting all of the last sentence which reads: "All reports by the special agent in charge upon applications for relief under the provisions of this Act should be made to the Commissioner of the General Land Office through the Director, Division of Investigations." Paragraph seven is amended by deleting from the last sentence the words "forwarded by the General Land Office to the special agent in charge of the district where the land is located" and substituting therefor the words "furnished to the proper regional field examiner."

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 26, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

19853

Obsolete
See Circ. 1764

Circular No. 1536

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - CHAPTER I - PUBLIC LANDS: INTERIOR

PART 257---LEASE OR SALE OF TRACTS, NOT EXCEEDING 5 ACRES, FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT, RECREATIONAL OR BUSINESS SITES

In order to show the change in procedure authorized by the Secretary of the Interior by Order No. 1799 of March 19, 1943, the regulations governing the lease or sale of five-acre tracts under the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), contained in Part 257 (Circular No. 1470, June 10, 1940), are amended as follows:

Section 257.9 Issuance of lease. The last sentence is amended to read:

> "When the proposed lease is properly executed and returned to the General Land Office, if all be found regular, a lease will be issued."

Section 257.22 Renewal of lease; preference rights. The first sentence is amended to read:

> "Upon the filing of an application for the renewal of a lease, not more than six months or less than sixty days prior to its expiration, the lessee will be accorded the preference right to a new lease, upon such terms and for such duration as may be fixed by the Commissioner, if the terms of the lease have been complied with and it is determined that a new lease should be granted."

Section 257.23 Assignment of lease and subletting. The words "Secretary of the Interior" are deleted and the words "Commissioner of the General Land Office" are substituted therefor.

Section 257.24 Cancellation of lease. In the first sentence, the words "Secretary of the Interior" are deleted and the words "Commissioner of the General Land Office" are substituted therefor, and the last sentence is amended to read:

"Upon the cancellation, pursuant to a final administrative determination, the lease will terminate and be of no further force or effect."

Section 257.25 Purchase, lease, restrictions. The first sentence is amended to read:

"No person shall be permitted to purchase or lease more than one tract under the provisions of this act, except upon a satisfactory showing warranting such action."

Section added. A new section is added, to read:

"Section 257.26 Appeals. Any party aggrieved by any action of the Commissioner may appeal to the Secretary of the Interior pursuant to the Rules of Practice (43 CFR, Part 221)."

Form 4-776 Lease under five-acre law. The lease form is amended so as to conform to the copy attached.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: MAY 26, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Form 4-776 (To be executed in quadruplicate)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

Serial No.

LEASE UNDER FIVE - ACRE LAW

Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a)

This indenture of lease, entered into as of ,
by and between the United States of America, party of the first part, hereinafter called the Lessor, acting in this behalf by the Commissioner of the General Land Office, and

of

party of the second part, hereinafter called the Lessee, under, pursuant, and subject to the terms and provisions of the Act of Congress approved June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), and the regulations thereunder, all of which are made a part hereof.

WITNESSETH:

That the Lessor, in consideration of the rents to be paid and the covenants to be observed as herein set forth, does hereby grant and lease to the Lessee an exclusive right and privilege of using for purpose the following described tract of land:

Section , Township , Range

Meridian, containing acres, together with the right to construct and maintain thereon all buildings or other improvements necessary to the full enjoyment thereof for the purposes for which this lease is given, for a period of years. Upon filing an application for renewal of the lease, not more than six (6) months or less than sixty (60) days prior to the expiration thereof, the Lessee will be accorded a preference right to a new lease, upon such terms and for such duration as may be fixed by the Lessor, if the terms of the lease have been complied with and the Lessor shall determine that a new lease should be granted. Lessee, if entitled to a renewal lease, will be accorded a preference right to purchase the land after the expiration of the lease, at the price fixed therefor, if it is determined to sell the land and application to purchase is seasonably filed.

In consideration of the foregoing, the Lessee hereby agrees:

(a) To pay the Lessor, in advance, an annual rental of $

(b) To construct the following described improvements upon the land:

(c) Not to construct upon the land buildings or structures of any kind which are not in keeping with the purposes for which this lease is granted.

(d) To observe all State, county, and other laws and regulations which are applicable to the premises, including sanitary laws and regulations and laws relating to the cost and maintenance of partition fences, and to keep the premises in a neat and orderly condition.

(e) If the site is to be used in whole or in part for business, to conduct all business operations in an orderly manner and in accordance with the requirements of the laws of the State in which the land is located, as well as the laws of the United States.

(f) Not to commit waste or injury to the land, or to devote it to any occupation or use other than the purposes for which this lease is issued.

(g) To take all reasonable precautions to prevent and suppress forest, brush, and grass fires.

(h) That neither he nor members of his family, or employees, will set fires that will result in damage, and that fires will be extinguished before the premises are left unattended.

(i) Not to cut timber for the purpose of clearing the land, or to make improvements, without first submitting to the Commissioner of the General Land Office a statement of his plans and until after permission to cut the timber has been granted.

(j) To take all possible precautions to prevent pollution of waters on and in the vicinity of this tract.

(k) To observe all laws and regulations for the protection of game animals, game birds, and nongame birds, and not to disturb such animals or birds unnecessarily.

It is further understood and agreed:

(a) That there is reserved to the United States all of the coal, oil, gas, and other mineral deposits in the leased land; that any deposits of coal, oil, gas, or other minerals subject to the leasing laws in the leased land may be disposed of under applicable laws and regulations in force at the time of such disposal; that the right to prospect for, mine, and remove the other kinds of minerals that may be found in the leased land shall be subject to such rules and regulations as may be prescribed by the Lessor and that until such rules and regulations have been issued such reserved deposits will not be subject to disposition or prospecting.

(b) That nothing contained in this lease shall restrict the acquisition, granting, or use of permits or rights of way under existing laws.

(c) That miners and prospectors for minerals, when duly authorized by the Lessor, and other persons entitled to enter the leased premises for lawful purposes will not be prevented from doing so.

(d) That the Lessee will not enclose roads or trails commonly used for public travel.

That this lease is taken subject to the rights of others to cross the leased premises on, or as near as practicable to, the exterior boundaries thereof, as a means of ingress or egress to or from other lands leased under authority of this act. Whenever necessary, the Commissioner of the General Land Office may make final decision as to the location of right-of-way.

(e) That authorized representatives of the Department of the Interior at any time shall have the right to enter the leased premises for the purpose of inspection, and that Federal agents, including game wardens, shall at all times have the right to enter the leased area on official business.

(f) That the Lessee shall not sell or remove any timber growing on the leased land, for use elsewhere.

(g) That this lease is granted subject to valid existing rights.

(h) That this lease shall be subject to cancellation for failure of the Lessee timely to make any required payment of annual rental, or for failure of the Lessee otherwise to perform or observe any of the terms, covenants, and stipulations hereof, or of any of the regulations issued under the Act of June 1, 1938, where such default has continued for thirty (30) days after written notice thereof by the Lessor.

(i) That upon the cancellation of this lease for any reason, or upon its expiration, unless a renewal is requested, the Lessee will be allowed a reasonable time, to be determined by the Lessor, within which to remove his improvements from the land, or to make other disposition thereof. Upon the failure of the Lessee to take such action, the improvements will become the property of the United States.

(j) That the Lessee will not assign this lease, or any interest therein, nor sublet any portion of the leased premises, without prior approval, and will not speculate in the privileges herein granted. The approval of a transfer will be withheld, if it is for speculative purposes.

(k) It is further covenanted and agreed that each obligation hereunder shall extend to, and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, and assigns of the respective parties hereto.

(l) That no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, and either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom; and that the provisions of Section 3741 of the Revised Statutes (41 U.S.C. 22), and Sections 114, 115, and 116 of the Penal Laws of the United States approved March 4, 1909 (35 Stat. 1109; 18 U.S.C. 204-206), relating to contracts, enter into and form a part of this lease, so far as the same may be applicable.

IN WITNESS WHEREOF:

THE UNITED STATES OF AMERICA,

By...

Commissioner of the General Land Office, Lessor.

Witnesses to signature of Lessee: ....

Lessee.

....

....

20615

Still in effect
5/27/54 RB

Circular No. 1538

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 151 - EXCHANGES FOR MIGRATORY BIRD OR OTHER WILDLIFE REFUGES

In order to show changes in procedure resulting from Reorganization Plan No.II of May 9, 1939 (53 Stat. 813, 1431, 1433; 5 U.S.C., secs. 133s, 133t), and Reorganization Plan No. III of April 2, 1940 (54 Stat. 230, 231, 1231, 1232; 5 U.S.C., secs. 133t, 133u), the regulations relating to exchanges for migratory bird or other wildlife refuges, contained in Part 151, are amended as follows:

Section 151.1 The first paragraph is deleted and there is substituted therefor, the following paragraph:

"Section 303 of the act of June 15, 1935 (49 Stat. 382, 16 U.S.C., sec. 715d-2), and Reorganization Plan No. II of May 9, 1939 (53 Stat. 813, 1431, 1433; 5 U.S.C., secs. 133s, 133t), authorize the Secretary of the Interior, in his discretion and when the public interests will be benefited thereby, to accept on behalf of the United States title to any lands which in his opinion, are chiefly valuable for migratory bird or other wildlife refuges, and in exchange therefor to patent not to exceed an equal value of surveyed or unsurveyed, unappropriated and unreserved nonmineral public lands in the same State, the value in each case to be determined by him."

151.2 In the first sentence the words "Department of Agriculture" are deleted and the words "Fish and Wildlife Service" are substituted therefor. In the second sentence the words "Biological Survey or with the Department of Agriculture" are deleted and the words "Fish and Wildlife Service" are substituted therefor. In the fourth sentence the words "Secretary of Agriculture" are deleted and the words "Director, Fish and Wildlife Service" are substituted therefor.

151.3 In the first and second sentences the words "Secretary of Agriculture" are deleted and the words "Director, Fish and Wildlife Service" are substituted therefor.

151.4 In the second sentence the words "Secretary of Agriculture" are deleted and the words "Director, Fish and Wildlife Service" are substituted therefor.

151.11 The words "Secretary of Agriculture" are deleted and the words "Secretary of the Interior" are substituted therefor.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 26, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Still in effect 5/28/54 BB

Circular No. 1539

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 253 - PARKS AND CEMETERIES

SALE OF PUBLIC LANDS TO INCORPORATED CITIES AND TOWNS FOR PARKS AND CEMETERIES, EXCLUSIVE OF ALASKA.

Sec.

253.1 Statutory authority.
253.2 Application to purchase and for survey and petition for classification.
253.3 Publication, proof and payment.
253.4 When mineral deposits will be reserved.

SALE OF PUBLIC LANDS TO CORPORATIONS OR ASSOCIATIONS FOR CEMETERIES.

Sec.

253.5 Statutory authority.
253.6 Application to purchase and for survey and petition for classification.
253.7 Publication, proof and payment.
253.8 Entry in corporate name; reversionary clause.

AUTHORITY: Secs. 253.1 to 253.8, inclusive, issued under 26 Stat. 502; 34 Stat. 1052; 43 U.S.C. 729, 682.

SALE OF PUBLIC LANDS TO INCORPORATED CITIES AND TOWNS FOR PARKS AND CEMETERIES, EXCLUSIVE OF ALASKA.

Section 253.1 Statutory authority. The right of entry under the act approved September 30, 1890 (26 Stat. 502; 43 U.S.C. sec. 729), for parks and cemeteries, is restricted to incorporated cities and towns and each of such cities and towns shall be allowed to make entries of tracts of unreserved and unappropriated public land by government subdivisions, not exceeding in all entries hereunder by such city or town a quarter section in area, all of which must lie within three miles of the corporate limits of the city or town for which the entries are made. Section 2 of the act of October 17, 1940 (54 Stat. 1192) made the act of September 30, 1890, inapplicable to the territory of Alaska (43 CFR 72.1).

253.2 Application to purchase and for survey and petition for classification. An application to purchase land under the act of September 30, 1890 can only be made by the municipal authorities of an incorporated city or town and in all cases the entries will be made and patents issued to the municipality in its corporate name for the specific purpose or purposes mentioned in said act.

If the public surveys have not been extended over the land sought by any city or town under the provisions of said act, the application shall also request a special survey of the outboundaries of such tract. The application should describe the character of the land sought to be surveyed and, as accurately as possible, its area and geographical location. Tracts covered by such special surveys must be as nearly as practicable in square form, and entries of the same will not be allowed until after the surveys shall have been approved by the Supervisor of Surveys and accepted by the Commissioner of the General Land Office. The current appropriation for "surveying the public lands" being applicable to the survey of lines of reservations, as well as to the extension of the ordinary lines of the system of public land surveys, the cost of the surveys of all unsurveyed lands selected under the provisions of the act of September 30, 1890, will be paid for out of said appropriation, the same as the special surveys of the outboundaries of town sites and for like reasons (see case of Fort Pierre, 18 C.L.O. 117), and the surveyors who execute such special surveys will report whether the land is either mineral in character or within an organized mining district.

An application which is not based upon a claim initiated prior to the general withdrawal orders of November 26, 1934 (43 CFR 297.11) and February 5, 1935 (43 CFR 297.12), as the case may be, must be accompanied by a petition for classification of the lands under Section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269) as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315f) in the manner prescribed by 43 CFR, Part 296.

253.3 Publication, proof and payment. After the classification of the land for the use requested, proof must be furnished satisfactorily showing:

(a) Publication of notice of intention to make entry in accordance with section 106.18.[1]

(b) The official character and authority of the officer or officers making entry.

(c) The fact and date of incorporation of the city or town by which the entry is to be made, and the extent and location of its corporate limits, by a certificate of the officer having custody of the record of incorporation.

---

[1] This section requires that if the Register designates a daily paper, the notice should be published in the Wednesday issue for five consecutive weeks; if weekly, in five consecutive issues, and if semiweekly, in either issue for five consecutive weeks.

(d) That the land applied for is vacant and unappropriated by any other party, and as to whether the same is either mineral in character or located within an organized mining district or within a mining region, by the testimony of the applicant and two of the advertised witnesses.

(e) In case the land applied for is described by metes and bounds, as established by a special survey of the same, that the applicant and two of the advertised witnesses have testified from personal knowledge obtained by observation and measurements that the land to be entered is wholly within three miles of the corporate limits of the city or town for which entry is to be made.

Payment for the land must be made after proof has been accepted, at such price per acre as shall be determined by the Commissioner of the General Land Office, provided that in no case shall the price be less than $1.25 per acre.

253.4 When mineral deposits will be reserved. Where the proof shows that the land is mineral in character, located in a mining district, or is within a region known as mineral lands, the certificate of entry shall contain the following proviso:

> Provided, That no title shall be hereby acquired to any mineral deposits within the limits of the above described tract of land, all such deposits therein being reserved as the property of the United States.

SALE OF PUBLIC LANDS TO CORPORATIONS OR ASSOCIATIONS FOR CEMETERIES.

253.5 Statutory authority. Under the act approved March 1, 1907 (34 Stat. 1052; 43 U.S.C. 682) the right to purchase land for cemetery purposes is limited to religious, fraternal and private corporations or associations empowered to hold real estate for cemetery purposes by the laws under which they are organized.

253.6 Application to purchase and for survey and petition for classification. A corporation or association shall be allowed to make but one entry under the act of March 1, 1907 (43 U.S.C. 682) of not more than 80 acres of contiguous tracts by government subdivisions of nonmineral, unreserved and unappropriated public land, including public land in Alaska.

If the public surveys have not been extended over the land sought to be entered, the application to purchase shall also request a special survey of the exterior lines of the tract desired, describing the topographical character of the land and its area and geographical location as accurately as possible. Such tracts must be as nearly as practicable in a rectangular form and after the survey and plat thereof have been made, they must be approved by the Supervisor of Surveys, accepted by the General Land Office and filed in the district land office. The cost of such surveys will be paid for out of the current appropriation for "surveying the public lands" and the deputies employed will report whether the land is mineral in character.

An application which is not based upon a claim initiated prior to the general withdrawal orders of November 26, 1934 (43 CFR 297.11) and February 5, 1935 (43 CFR 297.12) as the case may be, must be accompanied by a petition for classification of the land under Section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269) as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315f) in the manner prescribed by 43 CFR, Part 296.

253.7 Publication, proof and payment. After classification of the land for cemetery purposes, proof must be furnished satisfactorily showing:

(a) Publication of notice of intention to make entry in accordance with Section 106.18. 2/

(b) The official character of the officer or officers applying on behalf of the association or corporation to make the entry, and his or their express authority to do so conferred by action of the association.

(c) The due incorporation and organization and date thereof of the association or corporation and its location and address, by a copy of the record, certified by the officer having charge thereof. The law under which it is organized and by which it derives its authority to hold real estate for cemetery purposes must also be cited.

(d) By the testimony of the applicant and two of the advertised witnesses that the land applied for is nonmineral, vacant and unappropriated public land.

Payment for the land must be made after proof has been accepted, at such price per acre as shall be determined by the Commissioner of the General Land Office, provided that in no case shall the price be less than $1.25 per acre.

253.8 Entry in corporate name; reversionary clause. Entry under the act of March 1, 1907 must issue to the association or corporation in its corporate name, and the granting clause in the certificate shall state that the patent to be issued for the tract described is "for cemetery purposes, subject to reversion 'to the United States should the land or any part thereof be sold or cease to be used for the purpose' in said act provided."

Regulations superseded. These regulations supersede the regulations under Circular 1122 of April 27, 1927 (52 L.D. 106) and Sections 253.1 to 253.8 of Title 43 of the Code of Federal Regulations based thereon.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 26, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

2/ This section requires that if the Register designates a daily paper, the notice should be published in the Wednesday issue for five consecutive weeks; if weekly, in five consecutive issues, and if semiweekly, in either issue for five consecutive weeks.

20616

Circular No. 1541

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Superseded
See Circ. 1865

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

SUBCHAPTER A - ALASKA
PART 62 - FUR FARMING

In order to show the change in procedure authorized by the Secretary of the Interior by Order No. 1799 of March 19, 1943, the regulations relating to fur farming leases contained in Part 62 of Title 43 of the Code of Federal Regulations are amended as follows: Secs. 62.7 and 62.8 are amended by deleting therefrom the word "Secretary" or the words "Secretary of the Interior" and substituting therefor the words "Commissioner of the General Land Office." A new section is added, as follows:

"62.10 Appeals. Any party aggrieved by any action of the Commissioner may appeal to the Secretary of the Interior pursuant to the Rules of Practice (43 CFR, Part 221)."

In order to show other present procedure, secs. 62.2 and 62.5 are amended by deleting therefrom the words "special agent in charge" and substituting therefor the words "regional field examiner," and sec. 62.3 is amended by deleting therefrom the words "Division of Investigations" and substituting therefor the words "Branch of Field Examination."

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 26, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

21823

Obsolete
See Circ 1812

Circular No. 1543

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULARIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 146 - EXCHANGES OF PRIVATELY OWNED LANDS UNDER TAYLOR GRAZING ACT

In order to show changes in procedure, due to the extablishment by the Secretary of the Interior by Order No. 1639 of January 17, 1942, of a Branch of Field Examination in the General Land Office, the regulations relating to private exchanges under the Taylor Grazing Act, contained in Part 146 of Title 43, as amended by Circular No. 1474, approved July 8, 1940, are further amended as follows:

Section 146.3 is amended by deleting from the first paragraph thereof the sentence "Should it appear necessary, an appropriate report will be requested from the Division of Investigations," and substituting therefor the sentence "Should it appear necessary a field examination will be authorized," also by deleting from the third paragraph thereof the words "Director of Investigations" and substituting the words "regional field examiner" and by deleting from the same paragraph the words "to the General Land Office."

146.9 is amended by deleting from paragraph two thereof the words "or the report from the Director of Investigations, if requested."

In order to show other present procedure, section 146.4 is amended by adding the words "an acceptable policy of title insurance or" before the words "an abstract of title" in the eighth line of the section.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 21, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

20020-1

Still in effect 5/27/57 BB

See Circ. 1622, 1673, 1777 + 1805, Nos.

Circular No. 1544

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 199 - SILICA SANDS, AND OTHER NONMETALLIC MINERALS.

Sec.

199.1 Statutory authority.
199.2 Applicability of other regulations.
199.3 Lands to which applicable.
199.4 Leasing units.
199.5 Acreage limitation.
199.6 Royalty and rentals.
199.7 Qualifications of applicants.
199.8 Filing of application.
199.9 Form and contents of application.
199.10 Action by the Register.
199.11 Action in the General Land Office.
199.12 Term of Lease.
199.13 Bonds.
199.14 Form of lease.

AUTHORITY: Secs. 199.1 to 199.14, inclusive, issued under 56 Stat. 273.

LEASES OF SILICA SANDS AND OTHER NONMETALLIC MINERALS IN CERTAIN AREAS IN NEVADA.

Section 199.1 Statutory authority. The act of May 9, 1942 (56 Stat. 273), authorizes the Secretary of the Interior to lease, under the rules and regulations of the act of February 25, 1920 (41 Stat. 437), as amended, so far as applicable, deposits of silica sand and other nonmetalliferous minerals within lands withdrawn by Executive Order No. 5105 of May 3, 1929.

Section 199.2 Applicability of other regulations. Deposits of oil, gas, phosphate, coal, sodium and oil shale within the lands shall be subject to disposal pursuant to the applicable regulations issued under the Act of February 25, 1920 (41 Stat. 437) as amended. The regulations issued under the Act of February 27, 1927 (44 Stat. 1057) shall govern the disposal of potash deposits. The following regulations shall supply to all other deposits of nonmetalliferous minerals within the lands.

Section 199.3 Lands to which applicable. The Act applies to the lands withdrawn by Executive Order No. 5105, which withdrew all public lands, not theretofore withdrawn, within the following described townships:

NEVADA.
All of Township 15 South, Ranges 66, 67, 68, East, M.D.M.
All of Township 16 South, Ranges 66, 67, 68, East, M.D.M.
All of Township 17 South, Ranges 66, 67, 68, East, M.D.M.

and also a tract described as follows:

That area of unsurveyed land east of Timber Mountain bounded on the north by latitude 37°10'20", on the south by latitude 37°7'46", and lying between meridians of longitude 116°20'28" and 116°23'28", comprising an area of 9 square miles and including what is known as Fortymile Canyon Pueblo.

Section 199.4 Leasing Units. Leasing units shall consist of legal subdivisions, if the lands are surveyed, of not more than 640 acres of public lands in a reasonably compact form or, if the lands are not surveyed, shall consist of not more than 640 acres in square or rectangular form with north and south and east and west boundaries, so as to approximate legal subdivisions, described by metes and bounds connected to a corner of the public land surveys by course and distance.

Section 199.5 Acreage limitation. Every applicant for a lease hereunder must show that, with the area applied for, his or its interests in such leases and other applications therefor, directly or indirectly, will not exceed in the aggregate 2,560 acres.

Section 199.6 Royalty and rentals. The rate of royalty will be fixed prior to the issuance of the lease, but in no case will the royalty rate be less than two per centum of the quantity or gross value of the output of the leased mineral.

Rental for the first year must be paid at the rate of 25 cents per acre or fraction thereof prior to issuing the lease and thereafter annually in advance at the rate of $1 per acre or fraction of an acre, such rental to be credited against royalties accruing for the year for which paid.

Section 199.7 Qualifications of applicants. Leases may be issued to (a) citizens of the United States, (b) associations of such citizens, or (c) corporations organized under the laws of the United States or of any State or territory thereof.

Section 199.8 Filing of application. Application must be under oath, accompanied by a filing fee of $10 and filed in the district land office at Carson City, Nevada, addressed to the Commissioner of the General Land Office.

Section 199.9 Form and contents of application. No specific form of application is required, but it should cover, in substance, the following points, namely:

(a) Applicant's name and address.

(b) Proof of citizenship of applicant; by affidavit of such fact if native born; or, if naturalized, by affidavit giving the date of naturalization, court in which naturalized, and number of certificate if known; if a corporation, by certified copy of the articles of incorporation thereof, and showing as to residence and citizenship of its stockholders.

(c) A statement of all holdings by the applicant of leases under these regulations, pending applications therefor and interests, directly or indirectly, held in such leases.

(d) Description of the land for which the lease is desired, by legal subdivisions if surveyed or, if unsurveyed, by metes and bounds and by approximate legal subdivisions.

(e) Proposed method of conducting exploratory operations, amount of capital available for such operations, and the diligence which such exploration will be prosecuted.

(f) Statement of the applicant's experience in operations of this nature, together with reference as to his character, reputation, and business experience.

Section 199.10 Action by the Register. When an application is filed with the district land office it will be given the current serial number, will be noted on the records, and at the proper time transmitted to the Commissioner of the General Land Office accompanied by a statement as to the status of the lands described therein.

Section 199.11 Action in the General Land Office. On the receipt of the application in the General Land Office it will be considered, investigation made if deemed necessary, and the application will be submitted to the Secretary of the Interior with appropriate recommendation and report as to the proper action to be taken thereon, giving due consideration to the proposed effectual development of the alleged mineral deposits and the amount of capital to be invested therein.

The right is reserved to offer the lease by competitive bidding to the responsible bidder offering the highest cash bonus, in which case the filing of the application will not give any priority to the applicant if he is not the successful bidder.

Section 199.12 Term of Lease. Leases will be issued for a period of five years subject to renewal at the expiration thereof for additional periods of five years each, on such reasonable terms as may be prescribed by the Secretary of the Interior at the time of such renewal.

Section 199.13 Bonds. The applicant will be required prior to the issuance of the lease to furnish and maintain thereafter a bond with acceptable corporate surety, or two qualified individual sureties, in the sum of $1,000 or such other amount as may be fixed, conditioned against failure of the lessee to comply with the provisions of the lease.

Section 199.14 Form of Lease. Leases issued pursuant to these regulations shall be substantially in the form attached hereto, Form No. 4-214 which is hereby approved.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 27, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Form 4-214 20020-2
(May 1943)

THE UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR

District Land Office at Carson City, Nevada
Serial No.____________________

MINING LEASE OF NONMETALLIC MINERALS UNDER THE ACT OF MAY 9, 1942 (56 Stat. 273)

This indenture of lease, entered into, in triplicate, this ____ day of ________, 19___, by and between the United States of America, acting in this behalf by the Secretary of the Interior, party of the first part, hereinafter called the lessor, and ______________, party of the second part, hereinafter called the lessee, under, pursuant, and subject to the terms and provisions of the Act of Congress, approved May 9, 1942 (56 Stat. 273), entitled "An act to authorize the Secretary of the Interior to lease for the exploitation of silica sand and other nonmetallic minerals, lands withdrawn by Executive Order Numbered 5105, dated May 3, 1929," hereinafter called the "Act."

Witnesseth:

That the lessor, in consideration of the rents and royalties to be paid and the covenants to be observed as hereinafter set forth, does hereby grant and lease to the lessee the exclusive right and privilege to mine and dispose of all the ________________ in, upon, or under the following described tracts of land, situated in the State of Nevada;

____

____

containing ________ acres, more or less, together with the right to construct all such works, buildings, plants, structures, and appliances as may be necessary and convenient for the mining and preparation of the leased minerals for market, the manufacture of products thereof, the housing and welfare of employees, and, subject to the conditions herein provided, to use so much of the surface as may reasonably be required in the exercise of the rights and privileges granted for a period of five years, subject to renewal at the expiration thereof for additional periods of five years each, on such reasonable terms as may be prescribed by the Secretary of the Interior, at the time of such renewal.

Section 1. That the lessor expressly reserves:

(1a) The right to permit for joint or several use such easements or rights of way, including easement in tunnels upon, through, or in the land leased, occupied, or used as may be necessary or appropriate to the working of the same or other lands containing the deposits described in the Act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes.

(1b) The right to lease, sell, or otherwise dispose of the surface of the lands or any part thereof under existing law or laws hereafter enacted, so far as the surface is not necessary for the use of the lessee in the mining and removal of the leased minerals therein, and to lease other leasable mineral deposits in the lands.

(1c) Full power and authority to carry out and enforce all of the provisions of section 30 of the Act of February 25, 1920 (41 Stat. 437), as amended, (30 U.S.C. 181-263), to insure the sale of the production of said leased lands to the United States and to the public at reasonable prices, to prevent monoply, and to safeguard the public welfare.

Section 2. The leasee in consideration of the lease of the rights and privileges aforesaid hereby covenants and agrees as follows:

(2a) To commence mining within 6 months from the date hereof and to mine and dispose of the minerals with reasonable diligence, and, beginning with the second year of the lease, except when operations are interrupted by strikes, the elements, or casualties not attributed to the lessee, to mine and produce each year minerals from the leased area, to the gross value of not less than ________ dollars, or to pay royalty on said gross value if the value of production be less.

(2b) To furnish and maintain a bond in the sum of $1,000 conditioned upon compliance with the terms and provisions of this lease.

(2c) To pay the lessor in advance for each acre or fraction thereof a rental of 25 cents for the first lease year beginning on the first day of the month in which the lease issues, and a rental of $1.00 per acre or fraction thereof for each subsequent lease year, the rental so paid for any one lease year to be credited against royalties accruing for that year.

(2d) To pay a royalty of ________ per centum of the gross value of the minerals mined, such royalty to be paid quarterly, the royalty of each quarter to be paid during the next succeeding month to the Register of the United States land office at Carson City, Nevada.

(2e) To determine accurately the weight or quantity of all minerals mined from the leased premises, and to accurately enter the weight or quantity and value thereof in due form in books to be kept and preserved by the lessee for such purpose.

(2f) To furnish quarterly, within 30 days after the expiration of the quarter, a written report covering such quarter, certified under oath by the superintendent of the mine, or by such other agent having personal knowledge of the facts as may be designated by the lessee for such purpose, showing the amount of minerals mined during the quarter, the character and quality thereof, and amount of the products and by-products disposed of and prices received therefor, and amount in storage or held for sale.

(2g) To not assign this lease or any interest therein, nor sublet any portion of the leased premises, without the written consent of the lessor being first had and obtained.

Section 3. This lease is made subject to the following provisions, which the lessee accepts and covenants faithfully to perform and observe, unless the laws of the State where the leased land or deposits are situated otherwise provide, in which case such State laws control:

(3a) The lessee shall carry out and observe regulations prescribed by the Secretary of the Interior and in force at the date hereof relative to (1) reasonable diligence, skill, and care in the operation of said property in accordance with approved methods and practices, (2) the prevention of undue waste, and (3) the safety and welfare of miners.

Section 4. And the lessee also expressly agrees that all mining and related operations shall be subject to the inspection of authorized representatives of the lessor, and that such representatives may at all times enter into and upon the leased lands and survey and examine same and all surface and underground improvements, works, machinery, equipment, and operations.

(4a) And also shall permit the lessor to examine all books and records pertaining to operations under this lease and to make copies of and extracts from any or all of the same, if desired.

(4b) And also shall, at the termination of this lease, as the result of forfeiture thereof, deliver up to the lessor the lands covered thereby, including all fixtures, machinery, improvements, and appurtenances, other than strictly personal property, situate on any of said lands, in good order and condition, so as to permit immediate continued operation to the full extent and capacity of the leased premises.

Section 5. It is further mutually understood and agreed as follows:

(5a) That the lessor may, in writing, waive any breach of the covenants and conditions contained herein, except such as are required by the Act, but any such waiver shall extend only to the particular breach so waived and shall not limit the rights of the lessor with respect to any future breach; nor shall the waiver of a particular cause of forfeiture prevent cancellation of this lease for any other cause, or for the same cause occurring at another time.

(5b) The lessee may, on consent of the Secretary of the Interior first had and obtained, surrender and terminate this lease upon payment of all rents, royalties, and other debts due and payable to the lessor, and upon payment of all wages or moneys due and payable to the workmen employed by the lessee, and upon a satisfactory showing to the Secretary of the Interior that the public interest will not be impaired; and the lessee may, with like consent, surrender any legal subdivision of the area included within the lease; but in no case shall such termination be effective until the lessee shall have made provision for the preservation of any mines or productive works or permanent improvements on the lands covered hereby.

(5c) If the lessee shall fail to comply with the provisions of the Act or make default in the performance or observance of any of the terms, covenants, and stipultations hereof, or in the general regulations promulgated and in force at date hereof, the lessor may institute appropriate proceedings in the United States district court for the district in which the property or some part thereof is located, for the forfeiture and cancellation of this lease, but this provision shall not be construed as depriving the lessor of any legal or equitable remedy which the lessor might otherwise have.

(5d) That on the termination of this lease, pursuant to (5b) hereof, the lessor, his agent, licensee, or lessee shall have the exclusive right at the lessor's election, to purchase at any time within six months, at the appraised value thereof, all buildings, machinery, equipment, and tools, placed by the lessee in or on the land leased hereunder, save and except all underground timbering, and such other supports and structures as are necessary for the preservation of the mine, which shall be and remain a part of the realty without further consideration or compensation; that the purchase price to be paid for said buildings, machinery equipment, and tools to be purchased as aforesaid, shall be fixed by appraisal of three disinterested and competent persons (one to be designated by each party hereto and the third by the two so designated), the valuation of the three or a majority of them to be conclusive; that pending such election to purchase within said period of six months none of said buildings or other property shall be removed from their normal position; that if such valuation be not requested, or the lessor shall affirmatively elect not to purchase within said period of six months, the lessee shall have the privilege of removing said buildings and other property, except said timbering and other supports and structures, as are necessary for the preservation of the mine, as aforesaid.

Section 6. It is further covenated and agreed that, should the lessee fail to take prompt and necessary stepts to prevent loss or damage to the mine, property, or premises, or danger to the employees, the lessor may enter on the premises and take such measures as may be deemed necessary to prevent such loss or damage or to correct the dangerous or unsafe condition of the mine or works thereof, which shall be at the expense of the lessee.

Section 7. It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, orassigns of the respective parties hereto.

Section 8. It is also further agreed that no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part in this lease, or derive any benefit that may arise therefrom, and the provisions of section 3741 of the Revised Statutes of the United States and sections 114, 115, and 116 of the Criminal Code, Act of March 4, 1909 (35 Stat. 1109, 18 U. S. C. 204, 205, 206) relating to contracts, enter into and form a part of this lease so far as the same may be applicable.

In witness whereof

THE UNITED STATES OF AMERICA,

By______________________________
Secretary of the Interior, Lessor,

____

____
Lessee.

Witnesses:

____

____

____

____

20157

Obsolete - see Circ. 1687

Circular No. 1545

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 108 - PATENTS

In order to show present procedure, the regulations relating to the issuance and delivery of patents in public land cases are amended as follows:

The first paragraph of section 108.1 is amended to read:

> "Section 108.1 Issuance of patents; transmittal to district land office. All patents issuing from the General Land Office are issued in the name of the United States, are signed in the name of the President by an employee designated to act as his secretary for that purpose, and are countersigned by the chief or acting chief of the patents division in that office. They are recorded in the General Land Office in books kept for the purpose (R.S. 458; 43 U.S.C. 15; Reorganization Plan III, sec. 4, effective June 30, 1940, 54 Stat., 1232)."

The last paragraph of section 108.1 is amended by adding at the end thereof a new sentence, as follows:

> "Patents based on final certificates or orders issued by the General Land Office, will be delivered directly to the patentee or his or her recognized agent or successor in interest. Their receipt must be acknowledged."

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 28, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

20256

Obsolete –
See Circ 1728

Circular No. 1546

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 170 - NATIONAL FOREST HOMESTEADS

The preference rights of soldiers and sailors in connection with the homestead and desert land laws, which were extended by Public Resolution No. 85, approved June 12, 1930 (46 Stat. 580; 43 U.S.C. 186), expired on February 14, 1940. Due to such expiration, Section 170.7 is amended as follows:

The first paragraph of the section is amended to read:

"170.7 Preference right claimants: Any person qualified to make a homestead entry who, prior to January 1, 1906, occupied and in good faith claimed any lands listed under the Act of June 11, 1906 for agricultural purposes, and who has not abandoned the same and the person upon whose application such land was listed, has, each in the order named, the preferred right to enter the lands so settled upon or listed at any time within 60 days prior to restoration of the land. Should an application be filed by such settler during the 60-day period the register will, upon his showing by affidavit the fact of such settlement and continued occupancy, allow the entry. If an application is filed during the said period by the party upon whose request the lands were listed, the register will retain said application on file in his office until the date of restoration or until an entry has been made by a claimant having the superior preference right. If no application by a bona fide settler prior to January 1, 1906, is filed within the preference-right period the register will allow the application of the party upon whose request the lands were listed. If entry by a person claiming a settler's preference right is allowed, other applications should be rejected without waiting the expiration of the preferred period. Of the applicants for listing, only the one upon whose request a tract is listed secures any preference right. Other applicants for the listing of the same tract acquire no right by virtue of such applications."

The second paragraph is deleted.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 28, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

19954

Circular No. 1547

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

In order that the mineral or nonmineral character of the lands in entries made under the nonmineral public land laws may be determined by this Office prior to the vesting of equitable title to the lands in the claimants by the submission of proof and payment, or otherwise, the pertinent regulations in Chapter I of Title 43 are amended as follows:

SUBCHAPTER A - ALASKA
PART 65 - HOMESTEADS

The first paragraph of Section 65.25 is amended to read:

> "The register will report promptly to the General Land Office the receipt of the application to enter and the proof testimony. He will take no action thereon and withhold the issuance of notice for publication and posting until the mineral or nonmineral character of the land has been determined and he has been instructed as to further action which should be taken. When authorized he will carefully examine the application to enter and the proof testimony and if the required payments have been made, he will allow the application and will issue and transmit to the entryman notice for publication reading as follows:
>
> 'Final proof testimony on homestead entry ______________ embracing ________________ has been submitted by ____________, ________, entryman, and his witness, ______________ residing at ___________, and ___________ residing at ___________________, and is now in the files of the district land office at ___________, Alaska, and if no protest is filed in the district land office at ___________ on or before ___________, said final proof will be accepted and final certificate issued.'"

SUBCHAPTER I - HOMESTEADS

PART 166 - ORIGINAL, ADDITIONAL, SECOND, AND ADJOINING FARM HOMESTEADS, AUTHORIZED BY THE GENERAL PROVISIONS OF THE HOMESTEAD LAWS

The first paragraph of Section 166.49 is amended to read:

> "The register will report promptly to the General Land Office the receipt of a notice of intention to make final proof and withhold the issuance of notice for publication until the mineral or nonmineral character of the land has been determined and he has been instructed as to further action which should be taken. When instructed to do so, the register will issue a notice naming the time and place for submission of proof and cause same to be published at entryman's expense for 30 days preceding submission of proof in the newspaper designated by the register. The publication must be made once a week for five consecutive weeks, in accordance with section 106.13."

SUBCHAPTER Q - RECLAMATION AND IRRIGATION

PART 230 - RECLAMATION OF ARID LANDS BY THE UNITED STATES

Section 230.48 is amended by inserting between the first and second sentences the following:

> "The register will report promptly to the General Land Office receipt of a notice of intention to make proof and withhold the issuance of notice for publication until the mineral or nonmineral character of the land has been determined and he has been instructed as to further action which should be taken. When instructed to do so, the register will issue the usual notice for publication."

The words "special agent in charge" are deleted from this section and the words "regional field examiner" are substituted therefor.

Section 230.49 is amended by inserting therein, after the word "register" in line four of the text, the following:

> "will report promptly to the General Land Office receipt of notice of intention to make proof and withhold the issuance of notice for publication until the mineral or nonmineral character of the land has been determined and he has been instructed as to further action which should be taken. When instructed to do so, the register will issue the usual notice for publication. The register * * * "

20091

Circular No, 1548.

Obsolete. See
Circ. 1841

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 79 - TIMBER

FREE USE OF TIMBER ON PUBLIC LANDS IN ALASKA

Sec.
79.1 Statutory authority
79.2 Free use privilege; cutting by agent.
79.3 Free use of timber for Government purposes.
79.4 Application for permit.
79.5 Action by register on application.
79.6 Issuance of permit; cutting and removal of timber.
79.7 Amount of timber which may be cut.

Sec.
79.8 Notice of completion of timber cutting operations.
79.9 Field examination.
79.10 Final action.
79.11 Timber on school sections and on withdrawn lands.
79.12 Rules to be observed in cutting timber.
79.13 Trespass; penalty for unauthorized cutting of timber.
79.13a. Appeals.

AUTHORITY: Secs. 79.1 to 79.13, inclusive, issued under 30 Stat. 414, 52 Stat. 699; 48 U.S.C. 423.

FREE USE OF TIMBER ON PUBLIC LANDS IN ALASKA

Section 79.1 Statutory authority. Section 11 of the Act of May 14, 1898 (30 Stat. 424; 48 U.S.C. 423), empowers the Secretary of the Interior to permit the use of timber found upon the public lands in Alaska by actual settlers, residents, individual miners, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and for domestic purposes as may actually be needed by such persons for such purposes. This section was amended by the act of June 15, 1938 (52 Stat. 699), so as to permit the use of such timber by churches, hospitals, and charitable institutions for firewood, fencing, buildings, and for other domestic purposes.

79.2 Free use privilege; cutting by agent. The only timber which may be cut under these regulations for free use in Alaska is timber on vacant public lands in the territory not reserved for national forest or other purposes. The timber so cut may not be sold or bartered. The free use privilege does not extend to associations or corporations, except churches, hospitals, and charitable institutions. Any applicant entitled to the free use of timber may procure it by agent, if desired, but no part of the timber may be used in payment for services in obtaining it or in manufacturing it into lumber. Timber may not be cut by an applicant hereunder after the land has been included in a valid homestead settlement or entry or other claim, except that any applicant for the free use of timber who has been granted a permit to cut as hereinafter provided, will have the right to cut the timber while the permit remains in force as against a subsequent applicant who may wish to obtain the same timber by purchase.

Free use permits will not be issued where the applicant owns or controls lands having an adequate supply of timber to meet his needs.

79.3 Free use of timber for Government purposes. Persons contracting with the Government officials to furnish firewood or timber for United States army posts or for other authorized Government purposes may procure it from the vacant and unreserved public lands in Alaska free of charge, provided the contracts do not include any charge for the value of the firewood or timber. Where it is desired to procure timber for such use an application for permit in triplicate must be filed as in other cases, and a copy of the contract must be attached to the application.

79.4 Application for permit. Before timber is cut for free use, an application for permit, in triplicate, must be filed in the district land office for the district in which the lands to be cut over are situated.

The application must be executed in triplicate on Form 4-023f, copies of which may be obtained, on request, from any district land office in Alaska, or from the Regional Administrator, Anchorage, Alaska, and must contain the following information:

(a) The name, address, and business or occupation of the applicant.

(b) A description of the land from which the cutting is to be done, by legal subdivision, section, township and range numbers, if surveyed, or by metes and bounds, with reference to some permanent natural landmark, if unsurveyed. The cutting area must be restricted to the smallest area possible necessary to produce the kind and quantity of timber applied for.

(c) The amount and kind of the timber applied for.

(d) The proposed use of the timber and the place in Alaska at which it is to be used.

(e) A description by section, township and range, if surveyed, or by metes and bounds, if unsurveyed, of lands owned and controlled by applicant, and a statement of the quantity and species of timber growing on such lands and the reasons why this timber is not used.

(f) The name and address of the person who is to do the cutting.

(g) Facts as to the status of the land known to the applicant.

(h) The method to be utilized by the applicant in disposing of brush, tops, and lops, so as to minimize fire hazard and insect and fungus infestation, which must be in compliance with the territorial laws, or in the absence of such laws, such disposition must conform to proper forestry practices.

(i) Facts as to any other application or permit to cut timber for free use, under sections 79.1-79.13, filed by the Applicant within the preceding 12 months.
The right to cut timber under a permit will expire at the end of 12 months from the date of the issuance of the permit.

79.5 Action by register on application. Upon receipt of the application for permit the register will give it a serial number and will note a reference to it on his tract book.

The register will acknowledge receipt of the application and will advise the applicant that his application will be forwarded to the Regional Administrator, Anchorage, Alaska, for appropriate action of which he will be duly notified. He will also advise the applicant whether the land is covered by any other application or permit or by any entry or selection, or whether it is reserved for national forest or other purposes, as shown by his records, and if the lands are not subject to timber cutting he will reject the application. No timber shall be cut until a permit is received and the register will so advise the applicant.

The register will then check the description of land owned or controlled by the applicant and set forth in his application with the records of the district land office noting status thereof on the application, and will promptly forward the application in triplicate to the Regional Administrator, Anchorage, Alaska, in charge of the issuance of free use timber permits in Alaska. He will also furnish such officer a copy of his statement to the applicant, together with any other relevant data shown by his records or known to him pertinent to the issuance or denial of the permit.

79.6 Issuance of permit; cutting and removal of timber. The officer, designated by the Regional Administrator, shall promptly pass upon the application and issue permit should the application appear regular in all respects, subject to field investigation or the furnishing of additional information by the applicant, should either be deemed necessary before issuance of the permit.

The permit, when issued, shall be by endorsement upon the application with date of issuance, and a copy shall be promptly sent to the applicant. When deemed necessary for the protection of the remaining timber, or in the best interests of the United States, the representative of the Regional Administrator issuing the permit shall incorporate in the approval of the permit the provisions under which the cutting of the timber and disposition of tops and lops shall be governed. The failure to observe such stipulations by the permittee shall constitute a trespass, and may bar him from securing other permits.

Upon allowance of a permit the register shall be notified in order that he may note the permit on the tract book. No timber shall be cut until permit is issued.

79.7 Amount of timber which may be cut. During each calendar year each applicant entitled to the benefits of the act may take a total of 100,000 feet board measure or 200 cords in saw logs, piling, cordwood, or other timber. This amount may be taken in whole in any one of such classes of timber or in part of one kind and in part of another kind or other kinds. Where a cord is the unit of measure, it shall be estimated in relation with saw timber in the ratio of 500 feet board measure to the cord. Permits to take timber in excess of the amount stated may be granted to churches, hospitals, and charitable institutions upon a showing of special necessity therefor, and with the approval of the Regional Administrator where the stumpage value does not exceed $500.00, or in larger quantities, by the Director of the Bureau of Land Management.

79.8 Notice of completion of timber cutting operations. Upon completion of the cutting, and the removal of the timber, the permittee must notify the register, stating when the work was completed, the land from which the timber was taken, the amount and kind of timber which was cut and removed, and the use to which the timber was put. The register will note his records to show the facts and will forward the notice to the clerk or other officer in charge of timber cutting operations in Alaska.

79.9 Field examination. Field examination of timber cutting operations under free use permits will be made when deemed necessary by the officer in charge.

79.10 Final action. After necessary action by the register and the Regional Administrator, the permit and related papers will be forwarded through the office of the Ex Officio Commissioner for the Department of the Interior in Alaska, to the Bureau of Land Management.

79.11 Timber on school sections and on withdrawn lands. Sections 79.1-79.13 are not applicable to timber upon sections 16,33, and 36, which were reserved to the Territory for educational uses by the act of March 4, 1915 (38 Stat. 1214; 48 U.S.C. 353,354). The regulations in sections 79.1-79.13 are also inapplicable to timber upon withdrawn areas, unless the order of withdrawal permits or the cutting is authorized by the Director of the Bureau of Land Management.

79.12 Rules to be observed in cutting timber.

(a) Immature trees or trees other than of the size, kind and maturity necessary to furnish the class of timber desired are not to be cut and cordwood is not to be cut from trees suitable for saw logs or from spruce trees of a size exceeding 10 inches in diameter at the stump.

(b) All stumps are to be cut as close to the ground as conditions will permit and each tree is to be utilized to adiameter at the top sufficiently small to prevent unnecessary waste.

(c) Tops, lops, and necessarily cut underbrush are to be disposed of in such manner as will insure the least danger of the spread of forest fires and insect or fungus infestation, and under the supervision of the proper official who may determine in the permit the manner of disposal of tops, lops, and brush. Every possible precaution to prevent forest fires is to be taken and assistance in suppressing such fires when discovered is to be rendered. If the applicant fails properly to dispose of tops, lops, and underbrush, he will be liable for any expense necessarily incurred by the Department in properly disposing of the debris. He shall also be chargeable for damages to timber or property by fire arising through his negligence or that of his employees.

79.13 Trespass; penalty for unauthorized cutting of timber. The cutting of timber from the public land in Alaska, other than in accordance with the terms of the law and the regulations of the Department of the Interior, will render the persons responsible liable to the United States in a civil action for trespass, and such persons may be prosecuted criminally under section 49 of the Criminal Code approved March 4, 1909 (35 Stat. 1098; 18 U.S.C. 103).

79.13a Appeals. A party aggrieved by any action involving his application may appeal to the Director of the Bureau of Land Management and the Secretary of the Interior, pursuant to the Rules of Practice (43 CFR, Part 221).

(Sgd) Fred W. Johnson,

DIRECTOR

Approved: May 29, 1943.

/s/ Oscar L. Chapman,

Assistant Secretary.

None in Stock

20516

Office Copy

Ser No. 1840

Circular No. 1549

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 192 - OIL AND GAS LEASES

Section 192.14c Applications for lease of lands in terminated leases, at expiration of lease term. Noncompetitive oil and gas leases issued for a period of five years terminate by operation of law at the expiration of the five-year term unless oil or gas has been discovered within the boundaries of the lease or unless the lease has been committed to an approved unit plan of operation and oil or gas is being produced from the unitized area. When a lease is terminated by reason of the expiration of the five-year term, the lands not within a known geologic structure of a producing oil or gas field automatically become subject to application for lease at the beginning of the next business day after the day on which the lease terminated. No applications to lease the lands may be filed prior thereto, except as provided in section 192.14d.

Section 192.14d. Preference right of lessee to a new lease. Pursuant to section 1 of the Act of July 29, 1942 (56 Stat. 726), upon the expiration of the five-year term of any noncompetitive oil and gas lease issued for a period of five years and maintained in good standing under the law and the applicable regulations, the record title holder has a preference right over others to a new lease for the same land pursuant to the provisions of section 17 of the Act of February 25, 1920, as amended (49 Stat. 674, 30 U. S. C. 226), and under such rules and regulations as are then in force, provided he files an application therefor within 90 days prior to the date of the expiration of the lease.

The lessee must, within the period beginning 90 days prior to the date of expiration of the lease and ending on the date of expiration, submit an application under oath in accordance with the regulations (43 CFR 192.23; Par. 10, Circ. 1386) accompanied by a proper filing fee (43 CFR 191.5) and the first year's rental, which is at the rate of 50 cents per acre or fraction thereof.

(Sec. 32, 41 Stat. 450, 30 U. S. C. 181; Sec. 1, 56 Stat. 726)

(Sgd) Fred W. Johnson,
Commissioner.

Approved: May 29, 1943.

Oscar L. Chapman

Assistant Secretary